

## The Hierarchy of Substitute Decision Makers (SDMs)

Health Care Consent Act s.20

A patient's SDM is the person(s) in that particular patient's life who is the *highest* ranking in the hierarchy and meets the *requirements* to act as an SDM.

1. Guardian of the Person
2. Attorney named in Power of Attorney for Personal Care
3. Representative appointed by the Consent and Capacity Board
4. Spouse or partner
5. Child or Parent or CAS (person with right of custody)\*
6. Parent with right of access
7. Brother or sister\*
8. Any other relative\*
9. Office of the Public Guardian and Trustee

\*When a person has multiple family members at the same level on the hierarchy (e.g., several children) health care providers cannot choose or require that only one act as the SDM. Equally ranked SDMs may amongst themselves choose to have one or more of them act as the SDM. If more than one person wants to act as SDM they must agree on any decisions for patient. If they cannot agree, then the health care provider would turn to the Public Guardian and Trustee for the patient's healthcare decisions.

### When do SDMs make health care decisions?

SDMs only make health care decisions for a patient if the patient is deemed mentally incapable by the health care professional offering the treatment.

### Requirements to be an SDM

The person(s) highest in the hierarchy can act as an SDM only if he/she is:

- a. Mentally capable with respect to treatment proposed,
- b. 16 years of age unless he/she is the parent of the incapable person,
- c. Not prohibited by court order or separation agreement from having access to the incapable person or giving or refusing consent on his/her behalf,
- d. Available, and
- e. Willing to assume the responsibility of giving and refusing consent