
Community Coalition for the Implementation of Adult Guardianship Legislation

January 30, 2006

Dear Community Partner:

- ▶ *What if ...you were rushed to an emergency ward because of illness...and minutes later, when you were afraid and in pain, hospital staff ask you to sign a legally binding form about the treatment you do and do not want to receive?*
- ▶ *What if...you were diagnosed with cancer and the doctor tells you there is no cure. The nurse gives you an advance care directive form to fill out. The form is put in your medical file. A year passes, you have responded well to treatment and your cancer is under control. You have learned of representation agreements and made one naming your partner to make health decisions for you should you become unable to make your wishes known. You discuss your wishes with your representative. A while later you become ill and your ability to communicate is impaired. The form you filled out over a year ago says you do not want to be on a machine to help you breathe. However, you have complications from pneumonia and may need this temporary help. Because you are incapable of stating your wishes, the doctor consults your advance directive; the doctor does not have to get consent for giving or refusing treatment from your representative.*

You or your loved ones could face these kinds of harrowing situations if new legislation proposed by the BC government becomes law this Spring.

The Community Coalition for the Implementation of Adult Guardianship Legislation needs your support to send a strong message to the provincial government: **We support keeping the Representation Agreement Act as British Columbia's ONLY legal tool for advance care planning.** The new law will override the safeguards within the Health Care Consent Act and the Representation Agreement Act that seniors and disability communities have supported for over 16 years.

A representation agreement is a legal document that names the person or people you trust to make health and personal care decisions for you. The representative(s) (your proxy) must make decisions according to your wishes and instructions as they apply to your current circumstances.

Government's Proposal

The BC government is proposing new advance care directive legislation that will legalize stand-alone written instructions. ("Stand-alone" means that the written form will stand in for you if you are incapable; no proxy is involved.)

The advance care directive can also name a substitute decision-maker for health and personal care (a representation agreement already does this).

What's Wrong with the Proposed Legislation?

The new advance care directive legislation does NOT safeguard your wishes.

- ▶ An advance directive will override your representation agreement.
- ▶ People come into contact with the health system when they are at their most vulnerable. There is great risk that patients will feel pressured to sign Ministry of Health advance care directive forms because they want access to care—not because they fully understand the directive or it reflects their wishes.
- ▶ There is a serious ethical conflict when those who are responsible for providing care (Ministry of Health and health authorities) are also behind the promotion of advance care directives that may limit care. There must

be several arms lengths between the service provider and the making of directives or it may be seen to be a method of rationing health and personal care services.

- ▶ The proposed new advance care directive legislation gives the authority for quality-of-life decisions to a care provider (doctor, social worker, case manager, facility director, etc.) who may or may not know much about you.
- ▶ The new legislation is being proposed despite the many flaws that have been well documented with this approach including:
 - Instructions, which are written some time before being used, may be out-of-date or will not include more recent wishes you want followed.
 - Instructions may be based on old medical information and do not address newer treatments you may or may not want.
 - It is impossible to give instructions for every potential situation you may face in the future.
 - Research shows that preferences about treatment change as your health condition changes.

Why BC Does Not Need New Legislation

- ▶ The advance care directive is an old approach and a step backward from current law and safeguards.
- ▶ The proposed legislation is out-of-step with the BC government's goal to build the best system of support in Canada for seniors and people with disabilities.

BC already has the BEST advance care planning legislation in Canada: the Representation Agreement Act. This Act has been supported and developed by the citizens of British Columbia because it is ethical, balanced and effective. Representation agreements are based on best practice and supported by current research findings.

At the heart of representation agreements is the communication between you and your chosen representative. It ensures that advance care planning is an ongoing process (and more than information on a piece of paper). With a representation agreement, if you are incapable, your representative is equipped to represent your wishes and values when a health care provider communicates with them about your diagnosis, proposed treatment and the risks and benefits. The representative will consent to treatment or refuse treatment according to your wishes.

Add Your Voice–Say NO to New Advance Care Directive Legislation

British Columbia does not need new advance care directive legislation. Representation agreements offer the citizens of British Columbia a range of choices about how to express their wishes, including advance care instructions.

Representation agreements are working.

We need your help NOW to ensure the Representation Agreement Act is BC's ONLY legal tool for advance care planning. Please complete and fax back the attached endorsement form **by February 3** to the Community Coalition for the Implementation of Adult Guardianship Legislation c/o BC Coalition of People with Disabilities 604-875-9227.

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Thank you for your support.

NO to New Advance Care Directive Legislation in BC
Endorsement Form

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- » I/ We believe that British Columbia does not need new advance care directive legislation.
 - » The Representation Agreement is safe, ethical and effective.
 - » We support keeping the Representation Agreement Act as British Columbia's ONLY legal tool for advance care planning.
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Organization / Individual: _____

Contact Person: _____

Address: _____

Postal Code: _____

Phone: _____

Fax: _____

Please fax back to:
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c/o BC Coalition of People with Disabilities
Fax: 604-875-9227