

Legally Speaking: Talking about Declining Health, Incapacity and Dying *by Jackie Morris*



The Fraser Health Authority has prepared a document to assist you with talking about future healthcare decisions with your family or trusted friends. The document is a workbook called “My Voice” which leads you through a number of gentle steps with the goal of arriving at some decisions about future healthcare which can be recorded in the workbook. This is known as an Advance Care Plan. “My Voice” has been adopted by the Vancouver Coastal Health Authority (which includes the North Shore).

The decisions which are summarized in an Advance Care Plan include:

- Who can make healthcare decisions for you if you are incapable (these decisions are always yours up to that point)
- Whether you want life support (medical interventions which may include the insertion of a feeding tube or cardiopulmonary resuscitation (CPR)) which might prolong your life or delay your death
- Whether you want to receive medications to relieve your pain, even if such medications might hasten your death

You can summarize your decisions in a Living Will which may be easier for others to understand when the time comes. A Living Will has no particular wording. Samples are available on the Internet. Make sure to date and sign it. It is important to note that neither the “My Voice” workbook nor a Living Will are legally binding for your family or health care providers, but are strong guide as your family or health care providers should respect your values, wishes, and beliefs.

While the workbook indicates that you can use them to appoint the person you want to make medical and personal care decisions for you, that choice is not legally binding. If, for instance, you choose one of your children, your other children still have the legal right to make decisions for you.

A Representation Agreement is the document which provides for a legally binding appointment. It is usually combined with a Living Will. A Representation Agreement must be prepared by a lawyer.

You should have a Representative Agreement if:

- You do not have a capable close relative (spouse or child);
- You have married more than once and your current spouse and/or children have different opinions about your care; or
- There are philosophical or religious differences within your family