

# Manitoba

Health Care Directives Act, 1992



## What legal documents can I use for Advance Care Planning and what can I include in them?

You can use a **Health Care Directive** to:

- Express your health care decisions and give guidance about your wishes.
- Appoint one or more **Proxies** to make decisions about your care if you cannot.



## What if I have completed documents outside of Manitoba before moving here?

Your document is valid if it meets the requirements described below for a Health Care Directive in Manitoba.



## When can I prepare a Health Care Directive?

- If you are 16 years of age or older.
- If you have the capacity to make decisions.



## How do I prepare a Health Care Directive?

- You must write, date, and sign it.
- With your permission, another person may sign it on your behalf. This person cannot be your Proxy or their spouse. They must sign it in front of you and a witness.



## When will my Health Care Directive be used?

It will take effect if you lose the capacity to make decisions about your care.



## Who might make decisions about my care if I cannot?

If you have named one or more Proxies in your Health Care Directive, they may make decisions about your care.

If you have not named a Proxy or completed a Health Care Directive, someone may be chosen from a default list of nearest relatives to make decisions about your care.



## Who can I choose as my Proxy?

Your Proxy must:

- be at least 18 years old.
- be available, willing, mentally competent and capable of making health care decisions.

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### What decisions can my Proxy make?

Your proxies can consent and withdraw consent to any health care decision.

Their decisions must be guided by:

- the health care decisions expressed in your Directive
- more recently known wishes, belief, and values, even if they are different from those expressed in your Directive
- your best interests if your wishes are not known

If you have more than one Proxy, you can choose whether they make decisions:

- successively – they may be chosen in the order you have named them. This is the default if you do not choose; or
- jointly – over half of them must agree on a decision. If they are unable to agree, the person named first may make the decision.



### What decisions can my Proxy not make?

- Anything prohibited by law
- Medical assistance in dying
- Delegate their role to another person
- Medical treatments for primary purposes of research, the removal of tissues for transplant, education or research or sterilization that is not medically necessary (unless stated otherwise in your Health Care Directive)



### Who is on the default list of nearest relatives?

Health Care Providers may use a default list of nearest relatives (blood relatives and eldest preferred) to identify someone to make decisions about your care if you have not named a Proxy. The first person who qualifies on the list may be chosen:

1. Spouse or common-law partner
2. Son or daughter
3. Parent
4. Brother or sister
5. Grandparent
6. Grandchild
7. Uncle or aunt
8. Nephew or niece
9. The Public Guardian and Trustee

To qualify they must at a minimum meet the same criteria above for choosing a Proxy. The laws do not state any difference in authority for health care decisions between a Proxy and someone chosen from the default list.

### Where do I go for more information about Advance Care Planning?

Manitoba Health, Health Care Directives (Living Will) information: [www.gov.mb.ca/health/livingwill.html](http://www.gov.mb.ca/health/livingwill.html)

Cancer Care Manitoba: [www.cancercare.mb.ca/Treatments/advance-care-planning](http://www.cancercare.mb.ca/Treatments/advance-care-planning)

Winnipeg Regional Health Care - Advance Care Planning: [www.wrha.mb.ca/acp](http://www.wrha.mb.ca/acp)

Office of the Public Guardian and Trustee: [www.gov.mb.ca/publictrustee/](http://www.gov.mb.ca/publictrustee/)

