



Nova Scotia

Medical Consent Act, 1989
Personal Directives Act, 2008

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


You can use a **Personal Directive** to:

- Provide instructions or wishes about personal care, but not financial matters.
- Appoint one or more **Delegates** to make decisions about your care if you cannot.


 **What if I have completed documents outside of Nova Scotia before moving here?**

Your document is valid if it meets the requirements of either:

- A Personal Directive in Nova Scotia;
- The location where you made it.


 **When can I prepare a Personal Directive?**

- If you are 19 years of age or older.
- If you have the capacity to make decisions.


 **How do I prepare a Personal Directive?**

- You must write, date and sign it.
- With your permission, another person may sign it on your behalf. This person cannot be your Delegates or their spouses. They must sign it in front of you and a witness.
- Your signature needs one witness. The witness cannot be one of your Delegates or their spouses.

If you cannot sign it, you can direct someone else to sign it on your behalf. This person, or their spouse, cannot be the witness.

 **When will my Personal Directive be used?**


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

 **Who will make decisions about my care if I cannot?**

If you have made a Personal Directive, your health care providers may follow this Directive if it is relevant and specific to the care you are receiving.

If you have named a Delegate in your Personal Directive, they may make decisions about your care.

If you have not named a Delegate or completed a Personal Directive, someone may be chosen as your **Statutory Decision Maker** to make decisions about your care.

 **Who can I choose as my Delegate?**

Your Delegates must:

- Be at least 19 years of age (unless they are your spouse)
- Be capable, willing, and available to speak on your behalf
- Not be providing personal care services for compensation unless they are your spouse or relative, or are authorized to provide these services in your Directive.

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What decisions can my Delegate make?

Your Delegates can make decisions about your personal care that are not financial matters (for example, health care, housing, recreation, support services).

Their decisions must be guided by:

- the instructions in your Personal Directive
- your values and wishes
- your best interests if your values and wishes are not known.

If you have more than one Delegate, they must be assigned to different decisions.



What decisions can my Delegate not make?

- Anything prohibited by law
- Medical assistance in dying
- Delegate their role to another person
- Treatments that are not medically necessary, including research, sterilization, or organ/tissue donation (unless stated otherwise in your Directive)



Who might be my Statutory Decision Maker?

Your Statutory Decision Maker is identified by your health care provider from your hierarchy of nearest adult relatives. The first person who qualifies on the list may be chosen:

1. Spouse (married, domestic partner, or common law partner for at least 1 year)
2. Child
3. Parent
4. Person who stands in the place of a parent
5. Sibling
6. Grandparent
7. Grandchild
8. Uncle or aunt
9. Nephew or niece
10. Other relative
11. Public Trustee's office

To qualify they must:

- Meet the criteria above for choosing a Delegate.
- Have been in contact with you in the previous 12 months.
- Know of no one higher on the hierarchy who is able and willing to take on this role.

Your Statutory Decision Maker can make decisions about your health care, placement in a continuing care home, and receiving home care.

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

Government of Nova Scotia – Personal Directives in Nova Scotia: novascotia.ca/just/pda/

Nova Scotia Hospice Palliative Care Association – Advance Care Planning: nshpca.ca/resources/

Nova Scotia Public Trustee: novascotia.ca/just/pto/

Legal Information Society of Nova Scotia (LISNS) <https://www.legalinfo.org/>

