

# Quebec

Civil Code of Québec, 1991  
Act Respecting End-of-Life Care, 2015



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

You can use an **Advance Medical Directive** to:

- accept or refuse the following treatments:
  - » CPR to restart your heart and breathing
  - » A ventilator to assist in breathing
  - » Dialysis to keep your kidneys working
  - » Artificial feeding and hydration (e.g., by a tube)
  - » Forced feeding and hydration.

Advance Medical Directives can only be used in one of these situations:

- You are suffering from a serious and incurable illness and are at the end of life;
- You are in a coma or permanently unconscious and there is no chance of regaining consciousness;
- You are suffering from dementia that severely affects your capacity to make health care decisions and there is no chance of recovery

You can use a **Protection Mandate** to:

- appoint one or more **Mandataries** to make decisions about your physical and moral well-being if you cannot.



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

The laws do not state if or when documents from outside Quebec will be recognized.



## When can I prepare an Advance Medical Directive or Protection Mandate?

You can prepare an Advance Medical Directive or a Protection of the Person Mandate if:

- you are 18 years of age or older.
- you have capacity to make health care decisions.



## How do I prepare an Advance Medical Directive or Protection Mandate?

An Advance Medical Directive must be given:

- in the presence of two witnesses on the form issued by the Quebec Health Insurance Board (RAMQ) or;
- by **notarial act *en minute*** (that is, an act that a notary must keep in their records and use to issue copies)

A Protection Mandate is made:

- by notarial act *en minute* or;
- in the presence of two witnesses who will not benefit from the mandate and who can confirm that you are of sound mind.

Both documents must be signed by you or another person on your behalf who is of majority age and capable of making decisions.



## When will my Advance Medical Directive be used?

It will take effect when you lose the capacity to make decisions about your care in the situations described above.

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

If you have made an Advance Medical Directive, your health care providers must follow this Directive if it is relevant and specific to the care you are receiving. It may be used as consent for care while you lack capacity.

If you have named a Mandatary in a Protection Mandate, they may make decisions about your care after they have followed these steps for the Mandate to come into effect:

- Get a copy of the Mandate and confirm that it is the most recent one you created
- Get a medical and psychosocial assessment of your capacity by a physician and a social worker
- Make a request to the court to have the Mandate take effect—a process called homologation.

If you have both an Advance Medical Directive and a Protection Mandate, your Advance Medical Directive may have priority.

If you have not named a Mandatary or completed an Advance Medical Directive, someone may be chosen from a default list of persons identified in the Civil Code of Québec to make decisions about your care.

**Who can I choose as a Mandatary?**

Your Mandatary must be:

- 18 years or older.
- available, willing and capable of making health care decisions.

**What decisions can my Mandatary make?**

In the absence of an Advance Medical Directive, your Mandatary can consent or withdraw consent for any health care decision and can make decisions about your moral and physical well-being. These decisions could include where you live, what you eat and drink, what activities you engage in, and what legal procedures you participate in.

Their decisions must be guided by:

- the instructions that clearly relate to the situation
- your values and wishes
- your best interests if your values and wishes are not known.

If you have chosen more than one Mandatary, you can assign them different powers and obligations.

**What decisions can my Mandatary not make?**

- Anything prohibited by law
- Medical assistance in dying
- Delegate their role to another person
- Research that is not beneficial to your well-being

**Who is on the default list of decision makers?**

Health Care Providers use the default list to identify someone to make decisions about your care. The first person who qualifies on the list may be chosen:

1. Mandatary, tutor, or public curator
2. Married, civil union or de facto spouse;
3. A close relative
4. A person who shows a special interest in you

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

Government du Québec – Directives médicales anticipées / Advance Medical Directives:

[www.quebec.ca/sante/systeme-et-services-de-sante/soins-de-fin-de-vie/directives-medicales-anticipees/](http://www.quebec.ca/sante/systeme-et-services-de-sante/soins-de-fin-de-vie/directives-medicales-anticipees/)

Educaloi

Protection Mandate: [www.educaloi.qc.ca/en/capsules/protection-mandates-naming-someone-act-you](http://www.educaloi.qc.ca/en/capsules/protection-mandates-naming-someone-act-you)

Advance Medical Directives: [www.educaloi.qc.ca/en/capsules/advance-medical-directives](http://www.educaloi.qc.ca/en/capsules/advance-medical-directives)

Curateur public Québec: [www.curateur.gouv.qc.ca/cura/en/curateur/index.html](http://www.curateur.gouv.qc.ca/cura/en/curateur/index.html)

