

Saskatchewan

Health Care Directives and
Substitute Health Care Decisions Makers Act, 1997



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:

- Give guidance about your wishes, and directions for health care in specific situations.
- Appoint a Proxy to make decisions about your care if you cannot.



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

Your document is valid if it complies with the requirements described below for a Health Care Directive in Saskatchewan.



When can I prepare a Health Care Directive?

- If you are 16 years of age or older
- If you have the capacity to make health care 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. They must sign it in front of you and a witness. Your Proxies and their spouses are not permitted to sign on your behalf or sign as a witness.



When will my Health Care Directive be used?

It will take effect when 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 Health Care Directive, your health care providers may 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 Proxy 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 the **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 and capable of making health care decisions.

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What decisions can my Proxy make?

Your Proxies can consent, withdraw consent or refuse consent to any health care decision. Their decisions must be guided by:

- 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 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 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.

If they are to act jointly:

- A decision of the majority of Proxies may stand as the decision, and if this is unsuccessful the first Proxy named in the Directive may make the decision.
- You may state another way to resolve disagreements.



What decisions can my Proxy not make?

- Anything prohibited by law,
- Medical assistance in dying,
- Delegation of their role to another person
- Treatments that are not medically necessary including research, sterilization, abortion, or electric shock therapy.



Who is on the default list of nearest relatives?

Health Care Providers use the default list of nearest relatives (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, cohabitant, or partner in a relationship of some permanence
2. Son or daughter
3. Parent or legal custodian
4. Brother or sister
5. Grandparent
6. Grandchild
7. Uncle or aunt
8. Nephew or niece
9. Agreement of two health care providers

To qualify they must meet the criteria above for choosing a Proxy.

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

Government of Saskatchewan – Planning Ahead:

www.advancecareplanning.ca/wp-content/uploads/2015/09/2012_02_29_Planning-Ahead-Final1.pdf

Saskatchewan Health Authority – Advance Care Planning:

www.rqhealth.ca/department/advance-care-planning/advance-care-planning

Public Legal Information of Saskatchewan: www.plea.org/

Office of the Public Guardian and Trustee: www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/office-of-the-public-guardian-and-trustee

