

INSTRUCTIONS FOR COMPLETING THE RA9

TIPS for handling paperwork, signing & procedures during the Covid-19 pandemic.

Covid-19 is a new virus and there is much to learn, including how long the virus germs might remain infectious on a surface. Some research suggests the germs last longer on a hard surface, like plastic, than on paper. Some studies say the germs may be infectious for up to 24 hours on cardboard. No one knows for sure and therefore we want to be cautious to prevent the spread of virus germs. Some people who get infected by the virus experience very serious and even life-threatening illness.

General recommendations:

- The goal is to limit the number of times paperwork is handled by the same people.
- Whoever handles the computer (keyboard and mouse), printer, and the printed forms/instructions needs to be sure their **hands are washed** and disinfected. The more often the better and for sure if you are touching other surfaces (including your face).
- Think about using **disposable tissues** to handle pages of the Agreement. When finished, dispose of the tissues (for each page) – do not use them for another purpose.
- While the law has rules about signing and witnessing, the law does not forbid what is called signing in ‘counterpart.’ This means you can print more than one copy of signing pages (like the page where the adult and witnesses sign). Different people can sign separate copies of the same page. This can reduce contamination.
- ONLY the adult (person the Representation Agreement belongs to) and the two witnesses have to be able to watch each other sign. Find a large room so they can watch **from a distance** (2 metres/6.5 feet/two arms-length) or witnesses can watch the adult through a window from outside or from another room.
- If you are able, type information in the fillable fields. This will mean less handling of the paperwork. See next heading below.
- Each person should sign with their own pen/writing instrument.
- Get the completed RA form scanned in PDF format to upload and store a copy in the Nidus Registry. More about *Where to Register* on page 6. BC’s Electronic Transactions Act says an electronic copy can be recognized – where there is reliable assurance as to the integrity of the electronic copy and it is accessible and can be retained by the other party, even if a law requires an original. The Nidus Registry lets you meet these conditions.
- Put the original of the Agreement in a page protector or envelope. There is no evidence that cold temperatures will kill virus germs – but the passage of time (a few days) can.

Who makes an RA9? I notice the RA7 covers everything in one document – is it better?

The RA9 is for people who meet the traditional definition of capability – they understand the nature or types of things covered by the RA9 and the effect or consequences of giving authority to another adult (the representative). If you can, make an RA9 now. If you become ill or have a serious accident in the future, your representative can use the RA9 to help you.

Nidus is a Latin term for nest: symbolizing support and safety.

A Representation Agreement under section 7 (RA7) does not cover everything – it covers aspects of finances and health care. Adults may make an Agreement with section 7 authorities even if their capability to understand is in question. (This may apply to someone with advanced dementia, someone who just had a serious stroke, someone with a disability from birth or special needs.) BC is very lucky to have the RA7 as an alternative to adult guardianship for adults who need it. (Adults lose their rights and become a non-person under guardianship.)

An RA9 is the most comprehensive document in BC for health and personal care matters. An Enduring Power of Attorney is BC's most comprehensive document for financial and legal affairs. If you are capable to make an RA9, you can learn more about planning for financial and legal affairs at the Nidus Resource Centre website – www.nidus.ca – click on the middle photo/heading and scroll down to the section on planning for finances.

Is the RA9 form fillable?

Yes. The Basic RA9 form by Nidus has fillable fields – you can type in names and contact information. The fields are programmed to help avoid mistakes. After typing in the form and before printing, save it under a different name to keep the information entered. Some fields, like signatures and dates, are completed by hand (after printing).

You do not have to type. You can handwrite information. Do NOT use pencil. Print clearly.

TIP:

Make sure you enter ALL information including personal addresses with city and code. Do this on the RA form and in the Nidus Registry for the adult and the appointees. Only use c/o for the adult's address if the adult is homeless. No one is going to use the address to write the adult a letter. In legal terms, addresses serve as a type of identification and it is important to use the adult's address. If the adult or an appointee moves, addresses can be updated in the Nidus Registry. Do NOT make changes on your original RA form. See more about changes at the end.

Does the order of the pages in the RA form matter?

Nidus puts page numbers at the bottom right of the Agreement. Pay attention to the order of the pages and keep the same order.

You may come across questions about Certificates (also called Forms). These are not required for making an RA9. They are required for any kind of Representation Agreement under section 7. Nidus provides them with any RA7 forms. Before September 1, 2011, Certificates were also used for the RA9, but as of September 1, 2011 the law was changed and Certificates are no longer used for the RA9. The only exception is if a monitor is named, which requires a Custom RA9 and will include a Certificate of Monitor.

What if I only have one person to name? Can I still use the Basic RA9 form?

Yes. You can use the Basic RA9 form if you do not have anyone to name as an alternate. Do NOT leave blank fields as it can create concerns. Neatly cross out references to the alternate on page 3 (#5,6,7) and where they sign on page 5.

Who is the adult in the RA9?

The term adult refers to the individual the Representation Agreement belongs to.

Does the adult sign? What if they can't?

It is very important that the adult sign their Representation Agreement on their own. A signature is the mark they make in front of the two witnesses. It does not matter if it is a dot, line or squiggle. What matters is that they do it on their own.

Many people with disabilities never get asked to sign anything so they might have to practice.

You can also put the signing page on a clipboard and 'catch' the signature. Some people can't use a desk. Sometimes you might have to build up the pen to make it easier to grasp (or buy a thick felt pen). Get creative. The adult can also hold the pen in their mouth or toes.

A thumbprint or stamp is NOT a signature for a Representation Agreement.

What age can my representative or alternate be?

The Representation Agreement Act (RA Act) requires that the adult, representative, alternate, and the witnesses must all be 19 years of age or older at the time the Agreement is made. (Nineteen is the age of adulthood in British Columbia.)

Who can be a representative or alternate?

The RA Act has some restrictions on who can be named as a representative or alternate representative when making the Agreement.

To avoid conflict of interest – you can NOT name someone as a representative or alternate if they are:

- Paid or receive some other benefit for providing health care or personal care services to you (the adult)—unless they are your (the adult's) spouse, parent or child.
- An employee of a facility where you (the adult) live and receive health or personal care services—unless they are your (the adult's) spouse, parent or child.

If you order a Custom RA9 because you want to name a monitor, an individual who is named as a monitor is not subject to the above restrictions.

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Anyone named as a representative, alternate or monitor must be 19 years of age or older and must be willing to carry out their duties. Nidus has a fact sheet on roles at www.nidus.ca – Information (top menu bar) > Representation Agreement

Does the representative have to live locally?

No. The RA Act does not restrict by geography. However, there can be practical issues, especially related to communication. If something happens to the adult, how does the representative and/or alternate find out? This is how printing wallet cards from the Nidus Registry can help. Communication is the heart of the Nidus Registry service.

Who can be a witness?

You need **two witnesses**. They might be a couple. They might be spouses – legally married or in a common-law relationship – or roommates. They can be staff who support the adult.

Witnesses have to meet qualifications. Consider if each of the individual's you are considering meet the following list of qualifications.

Witness qualifications – each witness must:

- Be 19 years of age or older, and;
- Understand the type of communication used by you (the adult); and
- NOT be a representative or alternate representative named in the Agreement; and
- NOT be the spouse (legally married or in a marriage-like relationship [common-law]) of a representative or alternate named in the Agreement or the child or parent (by birth or adoption) of a representative or alternate named in the Agreement, and;
- NOT be the employee of a representative or alternate named in the Agreement;
- NOT be the agent (someone who can act on behalf) of a representative or alternate representative who is named in the Agreement.

Do NOT take the RA9 form by Nidus to a lawyer or notary public to review or for witnessing. Legal professionals do not generally witness documents they did not draft. The RA9 form by Nidus does not include wording for a lawyer or notary public to be a single witness.

If you follow the instructions, the RA9 will be valid. Representation Agreement forms by Nidus follow the requirements in the law. Members of Nidus were involved in creating the law about Representation Agreements. If you have difficulties ask a relative or friend to help. Nidus materials are designed for self-help and mutual help.

Does everyone have to be together at the same time for signing?

No. Only the adult and the two witnesses have to be together at the same time – they have to watch each other sign. They can do this from a distance. Only the adult's signature is witnessed. The adult's signature can NOT be witnessed by video, Skype or online meeting like zoom.

The adult must be the first to sign. The witnesses sign in the space below the adult's signature.

During Covid-19 and physical distancing measures, you can have the adult and witnesses sign separate copies of the same page and watch each other sign from a distance. Each person should also use their own pen/signing instrument. See the box on page 1 for general recommendations.

Make sure the name of the adult and witnesses are printed or typed on EACH page as the legal wording refers to the person. For example, one copy of the signing page can have the adult's signature/mark. A separate copy of the same page can have the signature of Witness 1. Another copy has the signature of Witness 2.

Find the Certificate of Witness – one for each witness. Use a disposable tissue to more safely handle the paperwork. Witnesses should use their own pen to fill out their own Certificate.

The representative and alternate can **NOT** sign anything in advance of the adult and witnesses.

The representative and alternate do not need witnesses AND they do not have to sign at the same time as the adult or as each other. **You can use physical distancing** by having the representative and alternate sign in 'counterpart.' For example, you can make two copies of the page where the representative and the alternate sign – give one copy to the representative for their signature and one copy to the alternate.

What if a representative and/or alternate lives out-of-town?

If a representative or alternate lives out-of-town, you can fax or email their signing page, but you need an original signature – it has to be returned by regular mail or courier. You can have more than one copy of the signing page.

What about dates of signing?

Print dates clearly. It is a good idea to use the name of the month, not numbers. For example, March 12, 2020 not 03/12/20.

The date the adult signed in front of witnesses must be filled in three places:

- Beside the adult's signature (page 4).
- Top of page 1.
- Top of page 5.

Where do I write wishes?

The Representation Agreements forms by Nidus do not provide space for listing wishes as we know from years of experience (and legal experts agree) this can backfire.

Remember, the RA9 is primarily for an institution or professional to know who has authority and for what areas. The RA9 is about authority. What your representative does with their authority is based on their knowledge of you, your wishes and values.

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Institutions and their staff may not know you and this may lead them to misinterpret any wishes that might be included in the RA9. This can cause problems for your representative who is trying to advocate for what you want.

There can be some exceptions to the best practice of NOT listing wishes in your RA9:

- If you are absolutely sure you do not want a specific person or group of people involved in decisions about your health or personal care, it can be helpful to make this clear in your RA9. This would require customized wording. This can help your representative if there is pressure from others; it also reminds institutions and professionals to check with your representative before releasing your private information.
- If you have a specific instruction based on moral or religious grounds that will not be affected by any changes in circumstances. For example, adults of the Jehovah Witness faith may want to include an instruction that they refuse consent to blood transfusions in any and all circumstances (they might want to include refusal of blood products). This kind of instruction can be included in a Custom RA9.

Discussions need to be ongoing. Views and wishes change over time as we gain experience with a health condition or disease and as we are exposed to new ideas or treatments.

If you have a living will or advance directive or other written wishes, give it to your representative and alternate. But most important have a discussion with them about what your written wishes mean.

Some years ago, the Old Age Pensioners Association developed some excellent materials in workshops they conducted across Canada. As permitted, Nidus adapted it. A lot of adults have used it as a guide for discussions with their representatives and alternates. We've heard good reviews. Click for [Values & Beliefs Discussion Guide](#)

Where can I register the RA9?

You can register information about the completed RA9 and access it later with the Nidus Registry. You can also store a copy (see step 2 below).

Go to <https://nidusregistry.ca/>

1. Click the Sign Up button to create a **Registry Account** in the name of the adult, not the representative.
2. At the Account/Welcome page, scroll down to **Registration Options** and select Representation Agreement to register the completed RA9.
3. You can upload a completed copy of the RA9 at the Browse button (make sure you have all pages and original signatures). To upload, you must get the completed RA9 scanned in PDF format (see below for scanning tips). You can choose 'Later' and just register information. There is no cost to upload Later; contact registry@nidus.ca for instructions.
4. The Registry sends a confirmation email to the email address you entered during Sign Up. The confirmation email includes the Nidus ID, which is 7 numbers.

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5. After registering, print a wallet card (see green container to right at Welcome page). The wallet card will have the Nidus ID and the Account Holder (adult's) name.
6. To check on registrations and to update information you typed in, such as a representative's new phone number, access the Nidus Registry at <https://nidusregistry.ca/> scroll down and click the Log In button.

SCANNING TIPS:

Uploading a copy of the RA to the Nidus Registry is optional but highly recommended.

If you do not have the completed RA scanned, you can still register information. It is a good idea to register as soon as possible. You can upload 'Later' for an existing registration and there is no cost. Email registry@nidus.ca for instructions to upload later.

To upload, you need the completed RA scanned in PDF format as one file, not separate pages. Many home scanners can only do one page at a time. Check the settings on the scanner. If you have individual pages in PDF or JPG format saved to your computer, use this program to combine into a single PDF file – <https://imagetopdf.com/>

There are software programs and mobile phone Apps that can scan. Older phones and operating systems may not work to download app. Here is one suggestion of an App for an iPhone:

Genius Scan (<https://apps.apple.com/us/app/genius-scan-pdf-scanner/id377672876>). You still have to take a photo of one page at a time, but it is easy to save as one PDF. And then email it to yourself and upload it from your computer.

Public libraries and businesses like Staples can help with scanning. During Covid-19, you need to check if they are open. You can also ask relatives and friends.

PRINT WALLET CARDS

From the Nidus Registry, you can print personalized wallet cards at no cost. See the green container to the right at the Welcome page of the Nidus Registry (after you create a Registry Account and register the completed RA).

There are two wallet cards on each page you download to print. Cut them out. The wallet card is meant to be folded and then you can laminate it. On the front is the Nidus ID and the adult's first and last name. On the back of each wallet card, you can write the name and phone number of the representative and alternate (before you laminate the card).

Make a wallet card for each wallet, purse, glove compartment, suitcase, and jacket -- and give one to your neighbours. If your neighbours know you went to hospital, they can phone your representative or alternate. It's easy, it's practical, and it's in your control.

The idea of the Nidus Registry came out of the grass-roots law reform that created the RA Act. Citizens and community groups in BC (and numerous professionals) supported the idea of a Registry – especially for time-sensitive matters like health care when the RA9 needs to be readily available.

The Nidus Registry is different from many government registries because it is self-managed. You can register important and information yourself and keep it up-to-date.

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The Registry is designed to help with organization and communication.
The Nidus Registry has helped to honour people's wishes at times they are most vulnerable.

The public is using the Nidus Registry as part of emergency preparedness. You can securely store important information and documents (like insurance policies) in case of a wildfire, flood or earthquake – use the section called 'Other Documents.'

Who gets copies of the completed RA9?

You may not know all the places that will need copies when you first make the RA9. Your representative or alternate may have to provide copies or show the original if they have to use the RA9.

Make sure those your representative and alternate each have a copy. You can 'share' the registered Agreement with them from the Nidus Registry to avoid extra handling of paperwork.

You can give a copy to your doctor or clinic OR you can take the original and ask them to make a photocopy and sign that it is a true copy. They can keep the copy for their files. If you give someone the original, make sure you get all pages back – count the pages to be sure. Specialists may require a copy too. Check with them. It may be new – but that is good, you are helping with education!

Distributing copies especially during Covid-19

Ask the institution if they have applied for authorization to access the Nidus Registry. There is no cost for third parties like hospitals, care facilities, financial institutions, government agencies to be authorized as an Access User with the Nidus Registry.

The BC Electronic Transactions Act recognizes electronic copies of documents such as the RA9. When you register be sure to check the box to Permit Access to third parties (and to Permit Access to the uploaded copy).

You can 'share' a registration with private individuals like your family doctor. This avoids handling of paper. They have 'viewing' access. They can save or print the information and the uploaded RA9. Do not use a generic email address when sharing – like 'info@' or 'reception@' – get a direct email with a name. It is safer.

You may run into a lack of awareness. However, with Covid-19 and orders to stay at home and to work remotely and to use virtual means of connecting, it is time for institutions and government agencies to get on board!

Where should I keep the original?

You **MUST** keep the original safe and accessible. **It is proof** of authority for the representative and alternate.

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When you register the completed RA, you can say where the original is kept. Use the ‘details’ box to be very specific – such as third drawer of file cabinet. If you move, make sure to update this in the Nidus Registry. It can be a big help to others!

- Some people give the original RA to their representative.
- Most people keep the RA in their home, with other important papers. It is NOT a good idea to put it in a safety deposit box.
- Some people store it in the freezer – but be absolutely sure it is protected from moisture.

We recommend using the Nidus Registry to store (upload) a copy of the completed RA in case you lose the original or there is no time to get it (or you are evacuated).

TIP:

Keep the original in a plastic page protector (available at stationary store) or large envelope. This keeps it clean and a good reminder that it is your original. Do not staple the original as you may need to make photocopies. If there is a change of address or phone, keep these details in the same place. See more details under next heading. Do NOT make any changes on the original as it can raise suspicions.

What about changes?

Do NOT make any changes on the original as it can raise suspicions.

A change of address, phone number or even legal name change does not make an Agreement invalid. These changes do not require making a new Agreement. Make these kinds of changes on future photocopies of the original.

If you have distributed some copies, let those parties know about any change of address or phone.

You can update contact information in the Nidus Registry so it is always current. An uploaded copy of the completed Agreement should match your original.

If there is a need to **change the people** named in your Agreement, you (the adult) will revoke (cancel) a Representation Agreement and make a new one. Making a new Agreement does not automatically cancel the previous one. Nidus has information and a form for revoking under Information (top menu bar) > Representation Agreement.