

Representation Agreement

A Representation Agreement is an agreement made under the *Representation Agreement Act*. There are two types of Representation Agreements. There are those which contain only the standard provisions as provided for in section 7 of the *Representation Agreement Act*, and those which include other provisions as provided for in section 9 of the *Representation Agreement Act*.

A Representation Agreement must be read over to determine the scope of decision making given to the Representative by the adult.

Representative

A Representative is someone appointed in a Representation Agreement to make or help in making decisions on behalf of another and includes an alternate Representative.

Spouse ←

Spouse means a person who:

- a. is married to another person, and is not living separate and apart, within the meaning of the *Divorce Act* (Canada), from the other person; or
- b. is living and **cohabiting** with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender.

Substitute Decision Makers

Substitute decision makers are:

- Personal Guardians, also called Committees of the Person, appointed by the court under the *Patients' Property Act*,
- Representatives appointed under the *Representative Agreement Act*, and
- Temporary Substitute Decision Makers appointed under the *HCCCFAA*.

Depending on the kind of appointment and any limitations set out in statute, court order or Representation Agreement, substitute decision makers have differing legal authority to make health care decisions on behalf of an incapable adult.

Temporary Substitute Decision Maker

A Temporary Substitute Decision Maker (TSDM) is appointed when an adult is incapable of making a specific major or minor health care consent decision and there is no Personal Guardian (Committee of the Person) or Representative appointed nor an Advance Directive dealing with the situation.

A TSDM is chosen by a health care provider in accordance with a list set out in the *HCCCFAA*. If there are no near relations or close friends available for the health care provider to choose, the health care provider must ask the Public Guardian and Trustee to authorize a person to be appointed as a TSDM.