

To help you learn more about Personal Directives, we've provided some answers to some questions people might have about the Act and its importance to Nova Scotians.

### **What is a Personal Directive?**

A Personal Directive allows you to set out how personal care decisions, including health care decisions, are to be made for you when you are not mentally capable of making those decisions. It is only in effect when you are alive and mentally incapable of speaking for yourself.

**Personal care decisions relate to such things as health care, residence and support services.** They do not include financial matters.

The Personal Directives Act revokes the previous Medical Consent Act. Any medical consent appointment made before April 1, 2010 is still valid, but it is limited to decisions about medical treatments. A Personal Directive includes all personal care decisions, including medical treatment.

### **Why think about preparing a Personal Directive now?**

We all make decisions on a daily basis – about our family, our work and our personal life. We often take the ability to make our own choices for granted. But what if you were in a car accident and unconscious for a week? What if you suffered a permanent brain injury? What if you were in a coma and not expected to regain consciousness? What if you slowly lost your capability to make decisions because of Alzheimer's disease? What would your wishes be for personal care? Who would you want to make decisions for you?

These are important decisions for you to consider **today**. Talk to the people you trust – your family, friends, health care providers or spiritual advisor. Talking about these issues may not be easy. Yet, it gives you greater control over your future personal care, and can ease stress for your loved ones, knowing the decisions made on your behalf are what you want.

### **Who can make a Personal Directive?**

Anyone who is mentally capable of understanding the information they write in their Personal Directive and the consequences of their choices, can make a Personal Directive.

### **How do I make my Personal Directive?**

The Nova Scotia Government has developed sample forms for you to use. These forms, along with other information about Personal Directives, are available at [www.gov.ns.ca/just/pda](http://www.gov.ns.ca/just/pda) .

### **Do I need a lawyer?**

No. However, you may wish to speak with a lawyer, tax advisor or financial planner about other planning tools (such as an Enduring Power of Attorney and a Will).

- **An Enduring Power of Attorney or Power of Attorney** allows you to give someone authority to act on your behalf to look after or assist you with your financial affairs and property. An Enduring Power of Attorney may be effective when you do not have capacity to make financial and property decisions due to illness or disability. A Power of Attorney usually take effect during specific circumstances when you are not able to sign legal documents or carry our your financial and property affairs. However, a Power of Attorney will not be effective if you become incapacitated. Both these documents are only in effect when you are alive and should be considered complimentary documents to a Personal Directive
- **A Will** allows you to set out how you want your personal, property and financial assets handled after you die. A Will takes effect when you die.

### **What can I do in a Personal Directive?**

You can name a person you trust to make personal care decisions for you when you are not capable of making these decisions. The person you name is called your **delegate**. You can also set out instructions or other information about what or how personal care decisions should be made for you.

### **What if I do not make a Personal Directive?**

If you become incapable of making decisions about health care, home care or placement in a continuing care home and you have not appointed a delegate or written down clear, specific instructions, your nearest relative (or if none, the Office of the Public Trustee) will be asked to make that decision for you. This person is called your **statutory decision-maker**. This may not be the person you would have chosen to make decisions for you. They may not have knowledge of your values, beliefs and wishes to help guide their decisions.

### **Does my delegate or statutory decision-maker have to follow my wishes?**

Your delegate or statutory decision-maker must follow your wishes unless they are impossible to carry out or they believe that because of changes in technology, medical advances or circumstances, you would no longer act on the wish. The most current wishes you made (verbal or written) while you were still capable must be followed.

If your delegate or statutory decision-maker does not know your wishes, they must make a decision based on your values and beliefs. If they do not know your

values and beliefs, they must make a decision based on what is in your best interests.

### **What do I do after I make my Personal Directive?**

Your Personal Directive is complete when you have signed it in the presence of a witness. You should make sure that the people who need to know about your wishes get a copy of your Personal Directive. This could include your delegate, loved ones, physician and spiritual advisor.

### **Do I have to appoint a delegate?**

No. However, appointing a delegate is a helpful way to ensure future decisions will be made the way you would want them to be made. Whether or not you appoint a delegate, there are two other things you can do in your Personal Directive to help ensure future decisions are made according to your wishes.

First, you can write down instructions for people to follow when they provide you with personal care services, if you become incapable of making decisions. If these instructions are clear and specific to the decision to be made they must be followed.

Second, you can write down information about your values, beliefs and wishes to guide persons who will be providing you with personal care services, if you become incapable of making decisions.

### **Who can be my delegate?**

Your delegate should be someone you trust to carry out your wishes if you are not capable of making them yourself.