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Update on Status of Recommendations

NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

MINISTRY OF JUSTICE		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R3: The Ministry of Justice take steps to provide the Public Guardian and Trustee with access to a court process to apply to act as a temporary property guardian in urgent situations.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>As an interim measure, the ministry has asked the Supreme Court Rules Revision Committee to develop a structure for temporary guardianship under the <i>Patients Property Act</i> Rules of Court until the relevant section of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i> is brought into force.</p>	<p>ONGOING</p>
<p>R4: The Ministry of Justice take steps to require that all certificates of incapability are based on a current in-person assessment conducted by a physician.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>R5: The Ministry of Justice, in consultation with the Ministry of Health, include in regulation standards for conducting medical assessments as part of the certificate of incapability process.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R8: The Ministry of Justice take steps to require that all certificates of incapability be based on both a medical and a functional assessment.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>In March 2013 the government issued an Order in Council to bring into force on June 30, 2014 the sections of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i> that require a qualified health provider to assess the adult's incapability if there is reason to believe an adult may be incapable of managing their financial affairs.</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R11: The Ministry of Justice take steps to require in regulation that adults be provided with timely notice of and adequate information about functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>R12: The Ministry of Justice, in consultation with the Ministry of Health, include in regulation standards for conducting functional assessments as part of the certificate of incapability process.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R14: The Ministry of Justice take steps to require in regulation that adults are offered copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R16: The Ministry of Justice take steps to establish a legally binding definition of financial incapability and a test for determining when an adult is incapable of managing his or her finances.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R18: The Ministry of Justice take steps to require in regulation that health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice. <p>ACCEPTED</p>	<p>September 2013</p> <p>In March 2013 the government issued an Order in Council to bring into force on June 30, 2014 the sections of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i> that require the PGT to notify the adult and their spouse or near relative that the PGT is the adult's statutory property guardian.</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>R20: The Ministry of Justice take steps to require that health authorities provide the adult and his or her family with adequate written reasons for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R22: The Ministry of Justice take steps to require that the health authority making the decision to issue a certificate of incapability is required to inform the adult and his or her family of its decision, and provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R25: The Ministry of Justice take steps to require that an adult has access to a reassessment on request before a certificate of incapability is issued and within a reasonable timeframe after a certificate of incapability is issued.</p> <p>REVIEW AND REPORT OUT BY July 31, 2014</p>	<p>September 2013</p> <p>In March 2013 the government issued an Order in Council to bring into force on June 30, 2014 the sections of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i> that</p> <ul style="list-style-type: none"> • Allow an adult who has been determined incapable to request a second assessment by a qualified health provider within a prescribed time frame, and • Require an incapable adult to be reassessed if the adult requests a reassessment and has not been reassessed within the previous 12 months. <p>The Ministry of Justice's review is ongoing.</p>	<p>ONGOING</p>

<p>R26: The Ministry of Justice take steps to establish an appeal to a tribunal for an adult who wishes to dispute a decision that has found him or her incapable of managing his or her financial and legal affairs.</p> <p>REVIEW AND REPORT OUT BY July 31, 2014</p>	<p>September 2013 The Ministry of Justice's review is ongoing.</p>	<p>ONGOING</p>
<p>R28: The Ministry of Justice take steps to require a committee to encourage the adult's participation in the decision making and management of the adult's financial affairs.</p> <p>ACCEPTED</p>	<p>September 2013 In March 2013 the government issued an Order in Council to bring into force on June 30, 2014 the sections of the <i>Adult Guardianship and Planning Statutes Amendment Act, 2007</i> that will require a guardian (the new term for a committee) appointed under the <i>Adult Guardianship Act</i> to encourage the adult's involvement in any decision-making that affects the adult to the extent reasonable.</p>	<p>ONGOING</p>

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Update on Status of Recommendations

NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

NORTHERN HEALTH AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have</p>	<p style="text-align: center;">September 2013</p> <p>Northern Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>		
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>Northern Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>Northern Health notifies individuals by registered mail of its intention to issue a Certificate of Incapability. Northern Health uses the template notification letter included in the PGT's guidelines manual.</p> <p>Northern Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>IMPLEMENTED IN PART</p>

<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>Northern Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>Northern Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

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NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

FRASER HEALTH AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that</p>	<p style="text-align: center;">September 2013</p> <p>Fraser Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>Fraser Health is participating in the Ministry of Health's work to develop a training and implementation plan for the functional assessment part of the certificate of incapability process. No changes in practice have yet been implemented.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>Fraser Health plans to work with the other health authorities to develop standard templates used to notify adults in writing of</p>	<p>ONGOING</p>

<p>providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>the information contained in the recommendation. Fraser Health will also work with the other health authorities on a guideline for staff on how to meet this requirement if a person is illiterate, does not understand English, or requires an adaptive communication method.</p>	
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>Fraser Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>Fraser Health is participating in the Ministry of Health's work to develop a training and implementation plan for the functional assessment part of the certificate of incapability process. No changes in practice have yet been implemented.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>Fraser Health will provide adults with a copy of their functional assessments. Fraser Health will also work with the other health authorities to develop a guideline for staff on how to meet this requirement where the adult is illiterate, does not understand English, requires an adaptive communication method or there is a clinical indication that written or verbal notice of the functional assessment will lead to self-harm or harm by a third party.</p>	<p style="text-align: center;">ONGOING</p>

<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>Fraser Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>Fraser Health will work with other health authorities to develop a standard guideline for staff on how to notify adults and their families of the intent to issue a certificate of incapability. Fraser Health will also develop an internal tracking system for notification to adults and families and will work with other health authorities to develop minimum standards for the amount of time adults and their families are given to respond to the notice.</p>	<p style="text-align: center;">ONGOING</p>
<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>Fraser Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>Fraser Health will work with the other health authorities to develop a standard template explaining the reasons why a certificate of incapability is being issued. This will be provided to the adult and his or her family. Fraser Health will also work with the other health authorities to develop a guideline for staff on how to meet this requirement where the adult is illiterate, does not understand English, requires an adaptive communication method or there is a clinical indication that written or verbal notice of the functional assessment will lead to self-harm or harm by a third party.</p>	<p style="text-align: center;">ONGOING</p>

<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>Fraser Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>Fraser Health will work with other health authorities to develop a standard template to inform the adult and their family of the decision to issue a certificate and provide them with a copy.</p> <p>Fraser Health will also work with the other health authorities to develop a guideline for staff on how to meet this requirement where the adult is illiterate, does not understand English, requires an adaptive communication method or there is a clinical indication that written or verbal notice of the functional assessment will lead to self-harm or harm by a third party.</p>	<p style="text-align: center;">ONGOING</p>
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NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

INTERIOR HEALTH AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have</p>	<p style="text-align: center;">September 2013</p> <p>In June, 2013, IHA conducted an education day for approximately 300 staff which included a session on its commitment to implement these recommendations.</p> <p>In July 2013, IHA established a certificate of incapability process advisory committee which meets monthly.</p> <p>IHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>IHA is participating in the Ministry of Health's work to develop a training and implementation plan for the functional assessment part of the certificate of incapability process. No</p>	<p>ONGOING</p>

<p>concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>changes in practice have yet been implemented.</p> <p>February 2013 (Initial Authority Response)</p> <p>IHA plans to review the current notice and information standards for functional assessments as well as administrative processes to ensure these requirements have sufficient oversight for accountability. The Interior Health Authority will also work with the other health authorities to develop standardized, competency-based education materials and guidelines.</p>	
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>IHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>IHA is participating in the Ministry of Health's work to develop a training and implementation plan for the functional assessment part of the certificate of incapability process. No changes in practice have yet been implemented.</p> <p>February 2013 (Initial Authority Response)</p> <p>IHA will review current practice and processes. IHA will also work with the other health authorities to develop standards and other clinical decision support tools for use across the health authorities.</p>	<p>ONGOING</p>

<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>In July 2013, IHA established a certificate of incapability process advisory committee which meets monthly.</p> <p>IHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>February 2013 (Initial Authority Response)</p> <p>IHA will develop and implement a plan to standardize the documentation and communication processes. IHA will also work with the other health authorities to develop standards and other clinical decision support tools for use across the health authorities.</p>	<p>ONGOING</p>
<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>IHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>February 2013 (Initial Authority Response)</p> <p>IHA will work with the other health authorities to develop and establish suitable standards to ensure consistency, fairness, transparency and accountability as well as a common understanding of the term “families”.</p>	<p>ONGOING</p>

<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>In July 2013, IHA established a certificate of incapability process advisory committee which meets monthly.</p> <p>IHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>IHA will work with other health authorities to develop suitable standards and develop appropriate materials and related resources to provide the recommended information to adults and families about the outcome of the certificate. IHA will review the administrative requirements for communicating the decision to issue a certificate and develop an education implementation plan.</p>	<p style="text-align: center;">ONGOING</p>
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Public Report No. 49 – February 2013

MINISTRY OF HEALTH		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R9: The Ministry of Health, in consultation with the health authorities, develop a provincial training program that must be completed by health authority staff before conducting functional assessments and ensure this training is provided on an ongoing basis.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The Ministry of Health is developing a training and implementation plan for the functional assessment part of the certificate of incapability process.</p> <p>The Ministry of Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Health, the Ministry of Justice, the Public Guardian and Trustee and the health authorities.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>The Ministry of Health will work with the health authorities, the Ministry of Justice and the PGT to review the current</p>	<p>ONGOING</p>

	<p>training, standards and guidelines to implement a consistent and competency based training approach to functional assessments for use within health authorities. As a first step, the Ministry of Health will review the respective roles and responsibilities of the agencies and professionals involved in this work.</p>	
<p>R15: The Ministry of Health, in consultation with the health authorities, develop a provincial training program that must be completed by health authority staff before issuing certificates of incapability and ensure this training is provided on an ongoing basis.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>The Ministry of Health is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Health, the Ministry of Justice, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

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Public Report No. 49 – February 2013

PUBLIC GUARDIAN AND TRUSTEE		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R1: The Public Guardian and Trustee provide written notice to all adults who are the subject of an investigation, at the start of the investigation, that includes:</p> <ul style="list-style-type: none"> • The steps that will occur during the investigation • The possible outcomes and their significance and • An explanation that an adult can seek legal advice or assistance <p>ACCEPTED</p>	<p>September 2013</p> <p>The PGT notifies all adults in writing of an investigation unless doing so will put the adult at risk. The notification includes a copy of a brochure, "Assessment and Investigation Services" which has been updated to include the information in the recommendation. The brochure is available on the PGT's website at http://www.trustee.bc.ca under Reports & Publications.</p> <p>The PGT has conducted staff training on the new notification practices which are in place.</p> <p>February 2013 (Initial Authority Response)</p> <p>The PGT will develop appropriate policy and procedures to address options for providing information to the adult at a time and in a manner to avoid increasing risk to the adult or the adult's assets.</p>	<p>FULLY IMPLEMENTED</p>

PUBLIC GUARDIAN AND TRUSTEE

Recommendation	Summary of Actions Taken	Current Assessment
<p>R2: The Public Guardian and Trustee discontinue the practice of extending the period of seven days set out in section 19(3) of the <i>Public Guardian and Trustee Act</i>.</p> <p style="text-align: center;">NOT ACCEPTED</p>	<p>In February, 2013 the Ministry of Justice amended sections 19(3) and (4) of the <i>Public Guardian and Trustee Act</i> to provide that any steps taken by the PGT to protect assets in urgent cases are in effect for 30 days or a shorter period, and may be renewed for up to 90 days.</p>	<p>FULLY IMPLEMENTED by legislative amendment</p>
<p>R6: When the Public Guardian and Trustee is investigating an adult's incapability, it informs the adult in writing that it has requested a medical assessment of the adult's incapability and:</p> <ul style="list-style-type: none"> • The purpose of the medical assessment • That the adult can refuse to be assessed • That the adult can have a support person present • How the adult can obtain a copy of the medical assessment, and • How the adult challenge the medical assessment or request a reassessment. <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The PGT is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the PGT, the Ministry of Justice, the Ministry of Health, and the health authorities.</p> <p>In the interim, the PGT has incorporated text into a brochure, "How You Can Help" which contains information on having a support person present and options for requesting a reassessment. The brochure is available on the PGT website at http://www.trustee.bc.ca under Reports & Publications.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>The PGT will consult with experts in the field of incapability assessments to determine the most effective and appropriate means of providing notification and process information to vulnerable adults.</p>	<p>ONGOING</p>
<p>R7: The Public Guardian and Trustee seek authority and support from the provincial government to cover the costs of the medical assessment conducted during the investigation of financial incapability and stop recovering the costs from the adult's</p>	<p style="text-align: center;">September 2013</p> <p>The PGT is waiting until the new assessment process under the <i>Adult Guardianship Regulation</i> is finalized to put the question to government.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p>	<p>ONGOING</p>

PUBLIC GUARDIAN AND TRUSTEE

Recommendation	Summary of Actions Taken	Current Assessment
<p>estate after it becomes committee.</p> <p style="text-align: center;">PARTIALLY ACCEPTED</p>	<p>The PGT disagrees that the recovery of funds advanced by the PGT on behalf of an adult is unfair. Nonetheless, the PGT will put the question of changing the rule concerning the responsibility for the cost of a medical assessment of incapability for adults for those whose committee is appointed through an administrative process to government. In the interim, the PGT will maintain its current practice.</p>	
<p>R 23: The Public Guardian and Trustee ensure that it provides clear written notice to the adult and his or her family that it has been appointed as committee of the adult's estate and an explanation of what that means.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The PGT provides written notice to an adult that it has been appointed committee unless it is satisfied that notice will cause harm to the adult.</p> <p>The PGT has developed an insert for the existing publication "When the Public Guardian and Trustee is Committee". The insert "When the Public Guardian and Trustee is Committee of Estate - Questions and Concerns" accompanies the written notice and is posted on the PGT website at http://www.trustee.bc.ca under Reports & Publications.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>The PGT will develop a more comprehensive package of written material to provide to an adult and to family members who are involved with the adult when the PGT is appointed Committee of Estate. This material will outline the role that the PGT will play as Committee of Estate and how that may affect the adult and the adult's family.</p>	<p>ONGOING</p>

PUBLIC GUARDIAN AND TRUSTEE

Recommendation	Summary of Actions Taken	Current Assessment
<p>R 24: The Public Guardian and Trustee inform adults about its internal complaint process when it becomes their committee of estate.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The PGT's publications "Assessment and Investigation Services" and "When the PGT is Committee of Estate – Questions and Concerns" available on the PGT's website at http://www.trustee.bc.ca under Reports & Publications, state that complaints or concerns about the PGT's actions or decisions may be made through the PGT's complaint process. The publication "Questions and Concerns" is sent to adults by the PGT when it becomes Committee of their Estate.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>The PGT will provide information about its internal complaints process in the package of materials provided to an adult and the adult's family when it is appointed Committee of Estate. The PGT will also ensure that information about the internal complaint process is readily accessible on its website.</p>	<p>FULLY IMPLEMENTED</p>
<p>R 27: When it becomes committee of estate, the Public Guardian and Trustee inform adults in writing that they can retain and instruct counsel to challenge a certificate of incapability.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">September 2013</p> <p>The PGT has developed two publications: "Assessment and Investigation Services" and an insert to "When the Public Guardian and Trustee is Committee", both available on the PGT's website at http://www.trustee.bc.ca under Reports & Publications. The insert is sent to an adult with the notification that the PGT has become Committee of Estate. Both publications provide information about a person's right to seek legal advice or assistance to challenge a Certificate of Incapability.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>The PGT will advise an adult that he or she may challenge a certificate of incapability and may seek legal advice.</p>	<p>ONGOING</p>

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Update on Status of Recommendations

NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

PROVINCIAL HEALTH SERVICES AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have</p>	<p style="text-align: center;">September 2013</p> <p>PHSA is still in the process of developing letter templates.</p> <p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>PHSA will develop a template for a "Notification of information about a Functional Assessment" letter for the adult. The template will include each of the components of the recommendation, and will be tailored to each adult as required.</p>	<p>ONGOING</p>

<p>concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>		
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013 PHSA is still in the process of developing a letter template which will include information about receiving a copy of the assessment.</p> <p>February 2013 (Initial Authority Response) PHSA will include this information in the Notification of Information letter.</p>	<p>ONGOING</p>
<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>September 2013 PHSA is developing a new “Certificates of Incapability” policy to address this recommendation.</p> <p>February 2013 (Initial Authority Response) PHSA will implement a new policy where a social worker will confirm that the Notification of Information letter is received, and that the individual has sufficient time to respond to the notice.</p>	<p>ONGOING</p>

<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013 PHSA is still in the process of developing a template letter to provide the adult and family with adequate reasons for the decision to issue the certificate.</p> <p>February 2013 (Initial Authority Response) PHSA will include more details about the assessment process and its conclusions in the Notification of Information letter.</p>	<p>ONGOING</p>
<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p>September 2013 PHSA is still in the process of developing a template letter to inform adults and families of the decision to issue the certificate and provide the adult and family with a copy of the certificate.</p>	<p>ONGOING</p>

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NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS

Public Report No. 49 – February 2013

VANCOUVER COASTAL HEALTH AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds</p>	<p style="text-align: center;">September 2013</p> <p>VCHA has developed a Standard Operating Procedure for issuing certificates of incapability. The included Checklist for Health Care Providers states that a Health Care Provider considering issuing a certificate should inform the adult and their family of the need to conduct an assessment, that they may have a friend or advocate attend, that the adult may refuse to be assessed, and what will happen if the adult is determined to be incapable.</p> <p>VCHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>		
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VCHA has developed a Standard Operating Procedure for issuing certificates of incapability which requires that a Summary of Assessment be provided to an adult and their family with the letter notifying them of the intention to issue a certificate.</p>	<p>ONGOING</p>
<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VCHA has developed a Standard Operating Procedure for issuing certificates of incapability. This requires that letters notifying the adult and their family of an intention to issue a certificate are sent by registered mail or given in person. If there are compelling reasons to not provide notice, this must be documented on the file. The notification letter provides that if a person requires further information, they can contact the Director who is considering issuing the certificate by telephone within 10 business days.</p> <p>February 2013 (Initial Authority Response)</p> <p>VCHA will collaborate with the other health authorities to develop provincial standards that address this recommendation.</p>	<p>IMPLEMENTED IN PART</p>

<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VCHA has developed a Standard Operating Procedure for issuing certificates of incapability. As part of this, adults and their families are sent a concluding letter which informs them that a certificate has been issued.</p>	<p>ONGOING</p>
<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VCHA has developed a Standard Operating Procedure for issuing certificates of incapability. As part of this, VCHA sends a concluding letter which informs the adult and the family that a certificate was issued. The letter invites the adult or family to contact the Director if they require a copy of the certificate.</p> <p>February 2013 (Initial Authority Response)</p> <p>VCHA will collaborate with the other health authorities to develop provincial standards that address this recommendation</p>	<p>FULLY IMPLEMENTED</p>

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VANCOUVER ISLAND HEALTH AUTHORITY		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R10: Health authorities ensure that adults receive timely notice of and adequate information about functional assessments. The information provided to adults should include</p> <ul style="list-style-type: none"> • the purpose of the assessment • that the adult can refuse to participate in the assessment • that the adult can have a support person present • how the adult can obtain a copy of the assessment and • how the adult can challenge the assessment or request a reassessment <p>In exceptional circumstances, when the health authorities have</p>	<p style="text-align: center;">September 2013</p> <p>VIHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p> <p>VIHA is participating in the Ministry of Health's work to develop a training and implementation plan for the functional assessment part of the certificate of incapability process. No changes in practice have yet been implemented.</p>	<p>ONGOING</p>

<p>concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>		
<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VIHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R17: When considering issuing a certificate of incapability, health authorities</p> <ul style="list-style-type: none"> • notify adults and families of the intent to issue a certificate of incapability • confirm that adults and families have received the notice and • ensure that there is sufficient time for adults and families to respond to the notice <p>In exceptional circumstances, when the health authorities have concluded on reasonable grounds that providing notice would put an adult at risk, notice is not required.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VIHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>

<p>R19: The health authorities provide adults and families with adequate reasons in writing for the decision to issue a certificate of incapability.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VIHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>
<p>R21: The health authorities inform adults and families of the decision to issue a certificate of incapability and offer to provide them with a copy of the certificate.</p> <p>ACCEPTED</p>	<p>September 2013</p> <p>VIHA is part of an inter-agency Certificate of Incapability Process Review Committee currently working on the implementation of the recommendations made in No Longer Your Decision. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>ONGOING</p>