

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

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 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;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> that came into force on December 1, 2014 requires Qualified Health Care Providers (QHCPs) to provide adults with notice of and specific information about functional assessments.</p> <p>Fraser Health QHCPs must follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements.</p> <p>Fraser Health is also in the process of updating its Clinical Protocol to reflect the legislative and regulatory changes to the certificate of incapability process. Fraser Health requires QHCPs who complete the functional component of the Certificate of Incapability process to complete the Ministry of Health's online training course. Most Fraser Health QHCPs attended the ministry's one-day education session, and Fraser Health is also meeting with QHCPs to review the certificate process.</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</p>	<p>FULLY IMPLEMENTED</p>

	<p>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 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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> that came into effect on December 1, 2014 requires Qualified Health Care Providers to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult’s property.</p> <p>Fraser Health requires its Qualified Health Care Providers to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014, which reflects the regulatory requirement to offer adults a copy of their functional assessment.</p> <p>Fraser Health is in the process of updating its Clinical Protocol to reflect the legislative and regulatory changes to the certificate of incapability process.</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 <i>No Longer Your Decision</i>. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>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>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;">March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i> that came into effect on December 1, 2014 require a Health Authority Designate to notify adults and relatives of the Designate’s intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>Fraser Health requires its staff to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. Fraser Health also requires its Health Authority Designates to complete the Ministry of Health’s online course before being involved in issuing certificates of incapability.</p> <p>Fraser Health is in the process of updating its Clinical Protocol to reflect the legislative and regulatory changes to the certificate of incapability process.</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 <i>No Longer Your Decision</i>. The committee includes representatives from the Ministry of Justice, the</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>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>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;">March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i> that came into effect on December 1, 2014 require a Health Authority Designate to, provide the adult and, if contact information is known to the health authority designate, the adult's spouse or near relative, with the reasons they intend to issue a certificate of incapability. Those reasons must be provided before the certificate is issued. The <i>Act</i> does not specify that the reasons must be in writing.</p> <p>The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult, or significant damage or loss to the adult's property.</p> <p>The <i>Statutory Property Guardianship Regulation</i> that also came into effect on December 1, 2014, requires a Health Authority Designate to give to the adult and, if the contact information is known, the adult's spouse or near relative written reasons for the decision to issue the certificate.</p> <p>Fraser Health staff must follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons.</p> <p>Fraser Health is in the process of updating its Clinical Protocol to reflect the legislative and regulatory changes to the certificate of incapability process.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>Fraser Health requires its Health Authority Designates to complete the Ministry of Health’s online training course before issuing certificates of incapability. The online course includes a discussion about providing written reasons.</p> <p>Fraser Health has also made arrangements for all Health Authority Designates to receive support and mentoring from an experienced Health Authority Designate who is also a member of the provincial working group.</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>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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i> that came into effect on December 1, 2014 require a Health Authority Designate to advise the adult and, if the contact information is known, the adult’s spouse or near relative that a certificate of incapability has been issued and provide each of these individuals with a copy of the certificate.</p> <p>Fraser Health requires its staff to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult</i></p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p><i>Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide states that here are no exceptions to this requirement.</p> <p>Fraser Health is in the process of updating its Clinical Protocol to reflect the legislative and regulatory changes to the certificate of incapability process.</p> <p>Fraser Health requires its Health Authority Designates to complete the Ministry of Health’s online training course before issuing certificates of incapability.</p> <p>Fraser Health has also made arrangements for all Health Authority Designates to receive support and mentoring from an experienced Health Authority Designate who is also a member of the provincial working group.</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>	
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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 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;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Providers to provide adults with notice of and specific information about functional assessments. This does not include information about how the adult can challenge the assessment or request a reassessment.</p> <p>The Ministry of Health created <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements. Interior Health identified that its QHCPS use two forms in the Guide.</p> <p>Interior Health has taken steps to educate its staff on the legislative and procedural changes. Interior Health launched an “Adult Guardianship Essentials” learning series for staff, and Interior Health’s staff have attended education sessions. In March 2015, Interior Health also introduced web-based training and support materials for staff. Interior Health’s Office of Vulnerable and Incapable Adults has trained and continues to assist and monitor the work of staff involved in the assessments.</p> <p>Interior Health created a full-time administrative position to support the creation of documentation for practice tools and processes.</p>	<p>FULLY IMPLEMENTED</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 changes in practice have yet been implemented.</p> <p style="text-align: center;">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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Practitioners to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult’s property.</p> <p>The Ministry of Health created <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>December 22, 2014. This guide reflects the regulatory requirement to offer adults a copy of their functional assessment. Interior Health identified that its QHCPS use a sheet and a form in the Guide.</p> <p style="text-align: center;">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 style="text-align: center;">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>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;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, require a Health Authority Designate to notify adults and relatives of their intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>The Ministry of Health created <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the regulatory requirement to offer adults a copy of their functional assessment. Interior Health identified that its HADs use a form letter in the Guide related to this recommendation.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</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 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>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 style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, require a health authority designate to, before issuing the certificate, provide the adult and, if contact information is known to the health authority designate, the adult's spouse or near relative, with the reasons for issuing it. The <i>Act</i> does not specify that the reasons must be in writing.</p> <p>The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult, or significant damage or loss to the adult's property. The <i>Statutory Property Guardianship Regulation</i> now requires a Health Authority Designate to give to the adult and, if the contact information is known, the adult's spouse or near relative written reasons for the decision to issue the certificate.</p> <p>The Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons. Interior Health stated that its HADs use a form letter in the Guide related to this recommendation.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p style="text-align: center;">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 style="text-align: center;">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>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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> requires the Health Authority Designate to advise the adult and, if the contact information is known, the adult’s spouse or near relative that a certificate of incapability has been issued and provide each of them with a copy of the certificate.</p> <p>The Ministry of Health’s published <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide states that there are no exceptions to this requirement. Interior Health has identified that its Health Authority Designates use a form letter template in the Guide related to this recommendation.</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</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>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>	
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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 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;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Providers to provide adults with notice of and specific information about functional assessments. This does not include information about how the adult can challenge the assessment or request a reassessment.</p> <p>Island Health adopted the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements.</p> <p>Island Health requires Qualified Health Care Practitioners who complete the functional component of the Certificate of Incapability process to complete the Ministry of Health's online training course.</p> <p>Island Health also created a sample script for staff to use to provide information to adults before conducting a functional assessment.</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</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>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>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Practitioners to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult’s property.</p> <p>Island Health requires its Qualified Health Care Practitioners to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014, which reflects the regulatory requirement to offer adults a copy of their functional assessment. VIHA also requires its staff to complete the Ministry of Health’s e-learning course prior to conducting their first functional assessment.</p> <p>Island Health’s Learning Hub also instructs staff to complete the forms related to functional assessments they are directed to complete by regulation and the Guide.</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 <i>No Longer Your Decision</i>. 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;">FULLY IMPLEMENTED</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;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, require a Health Authority Designate to notify adults and relatives of their intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>Island Health requires its staff to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. Vancouver Island Health also requires its Health Authority Designates to complete the Ministry of Health’s online course before being involved in issuing certificates of incapability.</p> <p>Island Health’s Learning Hub instructs HADs to record each step of the process in the Certificate of Incapability Tracking System. VIHA created an administrative support tool to help staff use the tracking system. The Learning Hub also outlines step by step what information must be sent to who (for example, to adult, to family, unless could cause serious harm).</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 <i>No Longer Your Decision</i>. 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;">FULLY IMPLEMENTED</p>
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<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 style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires a health authority designate to, before issuing the certificate, provide the adult and, if contact information is known to the health authority designate, the adult’s spouse or near relative, with the reasons for issuing it. The <i>Act</i> does not specify that the reasons must be in writing.</p> <p>The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult, or significant damage or loss to the adult’s property. The <i>Statutory Property Guardianship Regulation</i> now requires a Health Authority Designate to give to the adult and, if the contact information is known, the adult’s spouse or near relative written reasons for the decision to issue the certificate.</p> <p>Island Health staff must follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons.</p> <p>Island Health also requires its Health Authority Designates to complete the Ministry of Health’s e-learning training course before issuing certificates of incapability. The online course includes a discussion about providing written reasons.</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 <i>No Longer Your Decision</i>. The committee includes representatives from the Ministry of Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.</p>	<p>FULLY IMPLEMENTED</p>
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<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;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires the Health Authority Designate to advise the adult and, if the contact information is known, the adult’s spouse or near relative that a certificate of incapability has been issued and provide each of them with a copy of the certificate.</p> <p>Island Health staff must follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide states that there are no exceptions to this requirement.</p> <p>VIHA has updated its Learning Hub to reflect the requirements in recommendation 21. However, the Learning Hub states that staff must offer the adult and family a copy of the Certificate unless it could cause serious harm to the adult or the assets. This exception is inconsistent with the legislation and the Guide.</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 <i>No Longer Your Decision</i>. 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;">ONGOING</p>
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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;">March 2015</p> <p>The Ministry of Health developed a provincial training program for health authority staff who conduct functional assessments and who issue certificates of incapability under the legislative and regulatory framework that came into effect on December 1, 2014.</p> <p>On December 22, 2014, the Ministry of Health published the <i>Guide to the Certificate of Incapability Process under the Adult Guardianship Act</i>, to be used by Health Authority staff who conduct functional assessments. The <i>Guide</i> explains legislative and regulatory requirements, provides best practices, and includes forms and template letters for staff to use during the functional assessment process.</p> <p>The Ministry of Health also created a three hour e-learning course that health authority staff must complete before conducting their first functional assessment. The course is publicly available at https://learninghub.phsa.ca/. It describes the legislative and regulatory framework for conducting functional assessments.</p> <p>The ministry, in collaboration with the Public Guardian and Trustee and the health authorities also provided six in-person training sessions for health authority staff across BC. The training session included discussion on functional assessments. A video of one of the training sessions is posted on the PGT's website.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>All of the health authorities submitted plans for ongoing staff training to the ministry in March 2015.</p> <p>A video of a training session for physicians is also posted on the PGT's website.</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 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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The Ministry of Health developed a provincial training program for health authority staff who issue certificates of incapability.</p> <p>On December 22, 2014, the Ministry of Health published the <i>Guide to the Certificate of Incapability Process under the Adult Guardianship Act</i>, to be used by Health Authority staff who make decisions about issuing certificates of incapability. The <i>Guide</i> explains legislative and regulatory requirements, provides best practices, and includes forms and template letters for staff to use before issuing a certificate of incapability under the legislative and regulatory framework that came</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	<p>into effect on December 1, 2014.</p> <p>The Ministry of Health also created a three hour e-learning course that health authority staff who make decisions about issuing certificates of incapability must complete. The course is publicly available at https://learninghub.phsa.ca/. It describes the legislative and regulatory framework and procedures for issuing certificates of incapability.</p> <p>The ministry, in collaboration with the Public Guardian and Trustee and the health authorities also provided six in-person training sessions for health authority staff across BC. The training session included discussion on the steps health authority staff must take before issuing a certificate of incapability. A video of one of the training sessions is posted on the PGT's website.</p> <p>All of the health authorities submitted plans for ongoing staff training to the ministry in March 2015.</p> <p>A video of a training session for physicians is also posted on the PGT's website.</p> <p style="text-align: center;">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>	
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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;">March 2015</p> <p>The ministry has no timeline for implementation of this recommendation and has not taken any further steps. The <i>Patients Property Act</i> Rules have not been amended to establish a temporary guardianship process.</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>NO PROGRESS</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;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and the <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The regulation requires the medical component of an assessment of capability to be completed within six months of the assessment report being completed. The regulation only allows an assessment to be completed without the adult being present in certain limited and clearly defined circumstances.</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</p>	<p>FULLY IMPLEMENTED</p>

	<p>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>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>March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> was brought into force on December 1, 2014. The regulation establishes who can conduct a medical assessment; that the adult must be informed of the assessment and its purpose; that an adult may refused to be assessed; that an adult may have a support person present for the assessment; that the assessor must advise the adult of the outcome and that the assessor must complete their report on a prescribed form (Form 1: Report of Assessment of Incapability).</p> <p>The Ministry of Health and the Public Guardian and Trustee developed <i>A Guide to the Certificate of Incapability Process under the Adult Guardianship Act</i> which sets out the process to be followed in completing medical assessments. However, there are no prescribed practice guidelines that physicians must follow in completing their assessment. A Medical Component Form is included in the <i>Guide</i> but physicians are not required to follow it.</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>IMPLEMENTED IN PART</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>March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> was brought into force on December 1, 2014. The regulation requires both a medical and a functional assessment before a certificate of incapability can be issued.</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>FULLY IMPLEMENTED</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>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 style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> was brought into force on December 1, 2014. The regulation requires a qualified health care provider (QHCP) to advise an adult about an assessment before conducting either a medical or functional assessment.</p> <p>The QHCP must inform the adult of the purpose of the assessment, that the adult can refuse to participate in the assessment, that the adult may have a support person present, that the adult may obtain a copy of the assessment report and that the adult may ask questions and raise concerns about the assessment and the results.</p> <p>The regulation only provides an exception to this notice if the QHCP has reason to believe that it may result in serious physical or mental harm to the adult or significant damage to the adult’s property.</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>FULLY IMPLEMENTED</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 style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The regulation establishes who can conduct an assessment; that an adult must be informed of the assessment and its purpose; that an adult can refuse to be assessed; that an adult can have a support person present; that an assessor must advise the adult of the outcome of the assessment; and that the assessor’s report must be on a prescribed form (Form 1: Report of Assessment of Incapability).</p>	<p>IMPLEMENTED IN PART</p>

	<p>The Ministry of Health and the Public Guardian and Trustee developed <i>A Guide to the Certificate of Incapability Process under the Adult Guardianship Act</i> which sets out the process to be followed in completing functional assessments. However, there are no prescribed practice guidelines that QHCPs must follow in completing their assessments.</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>R14: The Ministry of Justice take steps to require in regulation that adults are offered copies of their functional assessments.</p> <p style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Part 2.1 – Statutory Property Guardians of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The regulation requires health authority staff to offer adults copies of their assessment report.</p> <p>The regulation only provides an exception if the qualified health care provider has reason to believe that the notice may result in serious physical or mental harm to the adult or significant damage or loss to the adult's property.</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 style="text-align: center;">FULLY IMPLEMENTED</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 style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The regulation establishes a definition of and test for determining whether an adult is incapable of managing their finances.</p> <p style="text-align: center;">September 2013</p> <p>The Ministry of Justice is part of an inter-agency Certificate of</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

<p style="text-align: center;">ACCEPTED</p>	<p>Incapacity 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>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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> was brought into force on December 1, 2014.</p> <p>Under the Act, a certificate of incapability is issued by a Health Authority Designate (HAD). The Act requires the HAD to notify the adult and near family members of his or her intention to issue a certificate.</p> <p>The Act provides an exception to this notification requirement if the HAD has reason to believe that notification may result in serious physical or mental harm to the adult, or significant damage or loss to the adult's property.</p> <p>The regulation sets out how notice is to be given to the adult and family members and establishes minimum time frames for the adult and family members to respond to the notice.</p> <p style="text-align: center;">June 2014</p> <p>In March, 2014, amendments to the <i>Adult Guardianship Act</i> were introduced that would require health authorities to notify an adult and his or her relatives before a certificate of incapability is issued, except in cases where notification would result in serious harm, and provide a reasonable opportunity to respond.</p> <p style="text-align: center;">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</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

	Justice, the Ministry of Health, the Public Guardian and Trustee and the health authorities.	
<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 style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The Act requires the Health Authority Designate to provide reasons for the intention to issue a certificate to the adult and close family members before issuing the certificate. The Act only allows an exception to providing reasons in certain limited and clearly defined circumstances.</p> <p>The regulation specifies that reasons must be in writing as well as when and how the reasons must be provided.</p> <p>The Ministry of Health published <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons.</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 style="text-align: center;">FULLY IMPLEMENTED</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 style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The Act requires the Health Authority Designate to advise the adult and close family members that a certificate of incapability has been issued and to provide them with a copy of the certificate.</p> <p style="text-align: center;">June 2014</p> <p>In March, 2014, amendments to the <i>Adult Guardianship Act</i> were introduced that would require health authorities to notify an adult and, if known, his or her spouse or near relative, when a certificate of incapability is issued, and provide them with a copy of the certificate.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</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>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 style="text-align: center;">REVIEW AND REPORT OUT BY July 31, 2014</p>	<p style="text-align: center;">March 2015</p> <p>Part 2.1 of the <i>Adult Guardianship Act</i> and <i>Statutory Property Guardianship Regulation</i> were brought into force on December 1, 2014. The <i>Act</i> allows the adult to request, within 40 days after the dated that the PGT gives or sends the adult advice that the PGT is the adult’s statutory property guardian, a second assessment by a Qualified Health Care Professional. The regulation specifies that the request must be made within 40 days of the Public Guardian and Trustee advising the adult that it is the adult’s statutory property guardian.</p> <p>The <i>Act</i> also states that a reassessment must occur if the adult requests a reassessment and a reassessment has not occurred in the previous 12 months.</p> <p>The Ministry of Justice completed its review and informed us on June 30, 2014 that it will not be recommending establishing a right to reassessment before a certificate of incapability is issued.</p> <p style="text-align: center;">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 style="text-align: center;">FULLY IMPLEMENTED (reassessment after certificate issued)</p> <p style="text-align: center;">NO FURTHER ACTION PLANNED (reassessment before certificate issued)</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>March 2015</p> <p>The Ministry of Justice completed its review and informed us on June 30, 2014 that it does not plan to establish an appeal to a tribunal for adults who wish to dispute decisions that have found them financially incapable.</p> <p>September 2013</p> <p>The Ministry of Justice’s review is ongoing.</p>	<p>NO FURTHER ACTION PLANNED</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>March 2015</p> <p>Section 18(2) of the <i>Patients Property Act</i> came into force on December 1, 2014. That provision requires the committee to foster the independence of the adult and to encourage the adult’s involvement in decision making.</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 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>FULLY IMPLEMENTED</p>

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
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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 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;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> which came into force on December 1, 2014, requires Qualified Health Care Providers to provide adults with notice of and specific information about functional assessments. This does not include information about how the adult can challenge the assessment or request a reassessment.</p> <p>Northern Health adopted the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements.</p> <p>Northern Health requires Qualified Health Care Practitioners who complete the functional component of the Certificate of Incapability process to complete the Ministry of Health's online training course. Northern Health is establishing a roster of QHCPs who have successfully completed the course.</p> <p>In addition, many of Northern Health's QHCPs attended a one-day in person education session presented by the Ministry of Health and PGT.</p> <p style="text-align: center;">September 2013</p>	<p>FULLY IMPLEMENTED</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>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Practitioners to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult’s property.</p> <p>Northern Health adopted the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014, which reflects the regulatory requirement to offer adults a copy of their functional assessment.</p> <p>Northern Health requires Qualified Health Care Practitioners who do functional assessments to complete the Ministry of Health’s online training course. Northern Health is establishing a roster of QHCPs who have successfully completed the course.</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 style="text-align: center;">FULLY IMPLEMENTED</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;">March 2015</p> <p>he <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, require a Health Authority Designate to notify adults and relatives of their intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>Northern Health adopted the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide includes the requirements for Health Authority Designates to provide the adult and family members with notice and sufficient time to respond, and states that best practice is for the HAD to follow up with the spouse and family members to confirmed they received the notice.</p> <p>Northern Health requires Qualified Health Care Practitioners who conduct functional assessments to complete the Ministry of Health’s online training course. Northern Health is establishing a roster of QHCPs who have successfully completed the course. Many of Northern Health’s QHCPs also attended a one-day education session presented by the Ministry of Health and PGT.</p> <p style="text-align: center;">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 <i>No Longer Your Decision</i>. 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;">FULLY IMPLEMENTED</p>
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<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 style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires a health authority designate to, before issuing the certificate, provide the adult and, if contact information is known to the health authority designate, the adult's spouse or near relative, with the reasons for issuing it. The <i>Act</i> does not specify that the reasons must be in writing. The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult or significant damage or loss to the adult's property. The <i>Statutory Property Guardianship Regulation</i> requires a Health Authority Designate to give to the adult and, if the contact information is known, the adult's spouse or near relative written reasons for the decision to issue the certificate.</p> <p>Northern Health adopted the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons.</p> <p>Northern Health requires Qualified Health Care Practitioners who complete the functional component of the Certificate of Incapability process to complete the Ministry of Health's online training course. The online course includes a discussion about providing written reasons. Northern Health is establishing a roster of QHCPs who have successfully completed the course. Many of Northern Health's QHCPs also attended a one-day education session presented by the Ministry of Health and PGT.</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 <i>No Longer Your Decision</i>. 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;">FULLY IMPLEMENTED</p>
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<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;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires the Health Authority Designate to advise the adult and, if the contact information is known, the adult's spouse or near relative that a certificate of incapability has been issued and provide each of them with a copy of the certificate.</p> <p>Northern Health adopted the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide states that there are no exceptions to this requirement.</p> <p>Northern Health requires Qualified Health Care Practitioners who complete the functional component of the Certificate of Incapability process to complete the Ministry of Health's online training course. Northern Health is establishing a roster of QHCPs who have successfully completed the course. Many of Northern Health's QHCPs also attended a one-day education session presented by the Ministry of Health and PGT.</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 <i>No Longer Your Decision</i>. 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;">FULLY IMPLEMENTED</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
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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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The PGT has changed its procedures to require staff to provide adults with notice at the start of an investigation. The PGT has updated its case management system to ensure that notifications are recorded and that consistent information is provided.</p> <p>The PGT also created additional staff positions to address the new responsibilities and processes related to certificates of incapability. The PGT has trained its current and new staff about the new procedures.</p> <p>The PGT’s “Assessment and Investigation Services” brochure, which the PGT provides to adults with its notice of an investigation, states that the adult will be informed of the investigation and will be consulted on options. The brochure includes an outline of what the PGT may do in an investigation, the possible outcomes of an investigation, and an explanation that the adult can seek legal advice.</p> <p style="text-align: center;">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 style="text-align: center;">FULLY IMPLEMENTED under <i>Patients Property Act</i> process</p> <p style="text-align: center;">FULLY IMPLEMENTED under <i>Adult Guardianship Act</i> process</p>

Public Guardian and Trustee		
Recommendation	Summary of Actions Taken	Current Assessment
	<p style="text-align: center;">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>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 style="text-align: center;">March 2015</p> <p>In June 2014 section 19(4)(b) of the <i>Public Guardian and Trustee Act</i> was amended to extend the maximum period for which the PGT can exercise its authority to protect assets from 90 days to 120 days.</p> <p style="text-align: center;">September 2013</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 	<p style="text-align: center;">March 2015</p> <p>If an investigation is initiated by the Public Guardian and Trustee, PGT practice is to co-ordinate with the local health authority to complete the required assessments.</p> <p>The PGT has developed a cover letter to use when requesting the medical component of an assessment. This letter includes the physician's obligation to provide information to the adult about the assessment.</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires that the information outlined in this recommendation is provided to adults by a qualified health care provider (including a physician). The PGT did not confirm that it provides this information directly to adults when requesting a medical assessment.</p>	<p>ONGOING</p>

Public Guardian and Trustee		
Recommendation	Summary of Actions Taken	Current Assessment
<ul style="list-style-type: none"> 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>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 estate after it becomes committee.</p> <p style="text-align: center;">PARTIALLY ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The PGT did not report on any changes to its practice of recovering funds from an incapable adult.</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>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</p>	ONGOING

Public Guardian and Trustee		
Recommendation	Summary of Actions Taken	Current Assessment
	<p>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>R23: 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;">March 2015</p> <p>Section 33(2)(b) of the <i>Adult Guardianship Act</i>, brought into force on December 1, 2014 requires the Public Guardian and Trustee to advise the adult, and the adult's spouse or near relative if the contact information is known, that the PGT is the statutory property guardian and may make decisions about the adult's financial affairs. Under the <i>Act</i>, the PGT must also advise the adult and near relative that of the adult's right to request a second assessment and apply for a review of that assessment through the courts.</p> <p>In March 2015, the PGT released a new edition of its publication "When the Public Guardian and Trustee is Committee." This publication provides adults with information about the PGT acting as committee of estate. It also outlines the rights of the adult, including the right to a second assessment. The PGT sends this publication to all new clients.</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>	FULLY IMPLEMENTED

Public Guardian and Trustee		
Recommendation	Summary of Actions Taken	Current Assessment
	<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>R24: 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;">March 2015</p> <p>The PGT updated two of its brochures -- "Assessment and Investigation Services" and "When the PGT is Committee of Estate" -- to include information about how to make a complaint about the PGT's investigation into an adult's capability. These are both available in hard copy and on-line. The brochures refer people to a Fact Sheet that sets out the steps in the PGT's complaints process. The Fact Sheet provides contact information for the complaints process, as well as for the Office of the Ombudsperson, if the person is dissatisfied with the complaints process. Brochures and the Fact Sheet are available on the PGT's website at http://www.trustee.bc.ca.</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 style="text-align: center;">FULLY IMPLEMENTED under <i>Patients Property Act</i> process</p> <p style="text-align: center;">FULLY IMPLEMENTED under <i>Adult Guardianship Act</i> process</p>

Public Guardian and Trustee		
Recommendation	Summary of Actions Taken	Current Assessment
<p>R27: 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;">March 2015</p> <p>The PGT updated two of its brochures – “Assessment and Investigation Services” and “When the PGT is Committee of Estate” – to inform adults that they can seek legal advice about their rights once the PGT has been appointed committee of estate.</p> <p>In addition to informing adults that they can seek legal advice, the brochure “When the PGT is Committee of Estate” also includes information about the ways in which an adult can challenge the certificate of incapability through second assessment and through a court review. The PGT sends this brochure to adults when it becomes their committee of estate. Both brochures are available on the PGT’s website at: http://www.trustee.bc.ca/reports-and-publications/Pages/default.aspx</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>FULLY IMPLEMENTED</p>

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 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;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Providers to provide adults with notice of and specific information about functional assessments. This does not include information about how the adult can challenge the assessment or request a reassessment.</p> <p>Provincial Health Services Authority Qualified Health Care Practitioners must follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements.</p> <p>PHSA has developed tracking systems to track to identify staff members who have been designated and trained, and also to track PHSA clients who have had their capability assessed.</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>FULLY IMPLEMENTED</p>

<p>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p>March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Practitioners to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult’s property.</p> <p>Provincial Health Services Authority requires its Qualified Health Care Practitioners to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014, which reflects the regulatory requirement to offer adults a copy of their functional assessment.</p> <p>September 2013</p> <p>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)</p> <p>PHSA will include this information in the Notification of Information letter.</p>	<p>FULLY IMPLEMENTED</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>March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i>, which came into force on December 1 2014, requires a Health Authority Designate to notify adults and relatives of their intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>PHSA requires its staff to follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. PHSA also requires its Health Authority Designates to complete the Ministry of Health’s online course before being involved in issuing certificates of incapability.</p> <p>September 2013</p> <p>PHSA is developing a new “Certificates of Incapability” policy to address this recommendation.</p> <p>February 2013 (Initial Authority Response)</p>	<p>FULLY IMPLEMENTED</p>

<p>ACCEPTED</p>	<p>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>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 style="text-align: center;">March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i> which came into force on December 1, 2014 require a health authority designate to, before issuing the certificate, provide the adult and, if contact information is known to the health authority designate, the adult’s spouse or near relative, with the reasons for issuing it. The <i>Act</i> does not specify that the reasons must be in writing. The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult, or significant damage or loss to the adult’s property.</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires a Health Authority Designate to give to the adult and, if the contact information is known, the adult’s spouse or near relative written reasons for the decision to issue the certificate.</p> <p>Provincial Services Health Authority staff must follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form to be used by staff providing the reasons.</p> <p style="text-align: center;">September 2013</p> <p>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>FULLY IMPLEMENTED</p>

	<p style="text-align: center;">February 2013 (Initial Authority Response)</p> <p>PHSA will include more details about the assessment process and its conclusions in the Notification of Information letter.</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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>Provisions of the <i>Adult Guardianship Act</i> which came into force on December 1, 2014, require the Health Authority Designate to advise the adult and, if the contact information is known, the adult’s spouse or near relative that a certificate of incapability has been issued and provide each of them with a copy of the certificate.</p> <p>The Provincial Services Health Authority staff must follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide states that there are no exceptions to this requirement.</p> <p style="text-align: center;">September 2013</p> <p>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 style="text-align: center;">FULLY IMPLEMENTED</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
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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 that providing notice would put an adult at risk, notice is not required.</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i> which came into force on December 1, 2014, requires Qualified Health Care Providers to provide adults with notice of and specific information about functional assessments. This does not include information about how the adult can challenge the assessment or request a reassessment.</p> <p>Vancouver Coastal Health's Qualified Health Care Practitioners must follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. This guide reflects the new regulatory requirements.</p> <p>Vancouver Coastal Health also tracks which staff member provided the required notice and when the notice was provided.</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</p>	<p>FULLY IMPLEMENTED</p>

<p>ACCEPTED</p>	<p>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>R13: The health authorities offer adults copies of their functional assessments.</p> <p>ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Statutory Property Guardianship Regulation</i>, which came into force on December 1, 2014, requires Qualified Health Care Practitioners to offer adults a copy of their functional assessment report and attachments unless that would cause serious harm to the adult or significant damage or loss to the adult's property.</p> <p>Vancouver Coastal Health requires its Qualified Health Care Practitioners to follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014, which reflects the regulatory requirement to offer adults a copy of their functional assessment.</p> <p style="text-align: center;">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 style="text-align: center;">FULLY IMPLEMENTED</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 	<p style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, require a Health Authority Designate to notify adults and relatives of their intention to issue a certificate and the reasons for issuing the certificate, unless such notice would seriously harm the adult or cause significant property loss or damage.</p> <p>Vancouver Coastal Health requires its staff to follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. VCHA also requires its Health Authority Designates to complete the Ministry of Health's online course before being involved in issuing certificates of incapability.</p>	<p style="text-align: center;">FULLY IMPLEMENTED</p>

<p>the notice 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>Vancouver Coastal Health also tracks which staff members provided the required notice and when the notice was provided.</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>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>March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires a health authority designate to, before issuing the certificate, provide the adult and, if contact information is known to the health authority designate, the adult's spouse or near relative, with the reasons for issuing it. The <i>Act</i> does not specify that the reasons must be in writing.</p> <p>The <i>Act</i> creates an exception for situations where providing reasons may result in serious physical or mental harm to the adult, or significant damage or loss to the adult's property. The <i>Statutory Property Guardianship Regulation</i> requires a Health Authority Designate to give the adult and, if the contact information is known, the adult's spouse or near relative written reasons for the decision to issue the certificate.</p> <p>Vancouver Coastal Health staff must follow the Ministry of Health's <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that reasons must be given in writing and provides a template form which may be used by staff providing the reasons.</p>	<p>FULLY IMPLEMENTED</p>

	<p style="text-align: center;">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>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 style="text-align: center;">ACCEPTED</p>	<p style="text-align: center;">March 2015</p> <p>The <i>Adult Guardianship Act</i> provisions that came into force on December 1, 2014, requires the Health Authority Designate to advise the adult and, if the contact information is known, the adult’s spouse or near relative that a certificate of incapability has been issued and provide each of them with a copy of the certificate.</p> <p>Vancouver Coastal Health staff must follow the Ministry of Health’s <i>A Guide to the Certificate of Incapability Process Under the Adult Guardianship Act</i> dated December 22, 2014. The Guide states that Health Authority Designate must provide the adult, spouse and family members with a copy of the certificate. The Guide confirms that there are no exceptions to this requirement.</p> <p style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">FULLY IMPLEMENTED</p>