

When the PGT is The Substitute Decision Maker Information for Service Providers

Service providers need to know when the Public Guardian and Trustee (PGT) is acting as a Substitute Decision Maker for an adult they support. Service providers should notify the PGT about a significant event or reportable incident that would influence the PGT's authority as described below. Here's why.

Background

The PGT is a corporation established under the *Public Guardian and Trustee Act*, with a unique statutory role. The PGT's role is to specifically protect the interests of British Columbians who lack legal capacity to protect their own interests. This mandate includes protecting the legal, financial, personal and health care interests of adults who require assistance in decision making.

Who Does This Apply To?

The PGT acts as a Substitute Decision Maker for over 600 CLBC eligible adults. The PGT may be making decisions on behalf of an individual based on the following different authorities. These include:

- **Committee of Estate** (Approximately 90% of the 600+ group)
- **Committee of Person** (Small number of individuals)
- **All other Substitution Decision Making Authorities** (comprising approx. 10% of the 600+ group):
 - Temporary Substitute Decision Maker
 - Pension Trustee
 - Representative (Representation Agreement)
 - Power of Attorney

Committee of Estate and/or of Person

The PGT may be granted committeehip of Estate and/or of Person in situations where an adult is no longer capable of making decisions about their personal affairs.

When acting as **Committee of Estate**, the PGT is responsible for:

- Ensuring the adult's financial affairs are well managed
- Pursuing claims or awards – such as an ICBC claim in the case of motor vehicle accident, or for victim's assistance and civil claims when other injuries are sustained
- Releasing funds that could assist the adult in circumstances following a traumatic event
- Obtaining legal counsel for the adult in criminal matters

When acting as **Committee of Person** the PGT has authority to make decisions about:

- Health care, including the introduction of a new medication or intervention
- The use of behavioral restraints and the creation of a Safety Plan
- Where the person may live

Other Substitute Decision Making Authorities

Under the Health Care Consent Act (HCC), the PGT may act as a **Temporary Substitute Decision Maker (TSDM)** in situations where a Health Care Provider assesses individuals are incapable of consenting to a specific health care decision. As a Temporary Substitute Decision Maker (TSDM) the PGT may:

- Authorize someone to make medical decisions, or
- Act as a last resort and make decisions about whether to consent or refuse the health care proposed

As a **Pension Trustee** the PGT can:

- Only manage monies paid through Old Age Security, the Guaranteed Income Supplement and Canada Pension plan under the Federal Income Security Programs

As a **Representative**, (under The Representation Agreement Act) the PGT is:

- Authorized to manage routine financial affairs when an adult is no longer able to

The PGT acts as **Power of Attorney** via the *Power of Attorney Act*. As Power of Attorney, the PGT may:

- Direct on legal or financial decisions for adults incapable of managing their legal and/or financial affairs

The Role of Service Providers

The PGT and CLBC have an information sharing agreement to identify individuals that are receiving CLBC funded services and where the PGT is a Substitute Decision Maker. This agreement is in order to assist the PGT to fulfil their role. CLBC **requires** that service providers first report critical incidents or significant events to CLBC. If the circumstance is within the PGT's authority, then the service providers is required to notify the PGT.

Required Actions by Service Providers

1. Be aware of where a PGT authority is in place with an individual they support
2. Understand what information the PGT requires – see specific details below
3. Ensure that all required information is forwarded to the PGT in a timely manner
4. Complete a Critical Incident Report *where required* and keep a record that the PGT has been notified
5. Contact their analyst if they are unsure if an issue is reportable

*****Keep in mind that the way information is shared should be treated in the same way a service provider or CLBC staff would advise a family member or emergency contact. Initial information-sharing can be brief and specific to the type of incident.***

Always Advise the PGT When....

Regardless of type of authority, the PGT should always be advised if an individual whose interests they support has:

- Change of residence or contact information
- Change of Service Provider
- Marriage
- Serious health issues
- Financial gains of over \$1,000.00
- Requests for changes in banking arrangement
- Critical Incidents where physical, mental or financial abuse or neglect has affected this person's life.

Additional Notification to PGT for Committee of Person

In those *rare* cases where the PGT has Committee of Person authority, notice should also be required when:

- A behavior or safety plan is being created or revised
- A health care plan is being created and/or revised
- A new medication and/or medical treatment is proposed and consent is required
- A new living situation is being considered

By sharing this information, we can provide the best outcomes for the people we are supporting.

PGT Service to Adults Contact Information

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