

Form 1: Assessment of Capacity to make Decisions about a Personal Care Matter

(assessing capacity under Sections 10, 11 and 13 of the *Personal Directives Act*)

I, _____ (full name), am a registered member of the
_____ (name of capacity assessor's professional college)

- ☐ I am currently designated as a capacity assessor under the *Personal Directives Act*.
(Not applicable if the assessor is a medical practitioner or a registered psychologist)

I assessed _____ (full name of person being assessed) of
_____ (address of person) on ____/____/____
(dd/mm/yyyy) at _____ a.m./p.m. at _____ (location of assessment).

If the person being assessed is delegated under a personal directive to make personal-care decisions for another person, skip items 1 and 2 and proceed to 3.

1) Personal directive made:

Check one:

- ☐ I am aware that _____ (full name of person being assessed) has made a personal directive.
- ☐ I do not know if _____ (full name of person being assessed) has made a personal directive.

2) Consultation under personal directive:

Subsection 10(1) of the Personal Directives Act states that a personal directive may name a person – by name, title, or position – with whom the capacity assessor must consult in making the assessment.

Check one of the following:

- ☐ I consulted with _____ (full name of person named in personal directive) in making this assessment of capacity.

- ☐ I have made reasonable efforts to consult with _____ (full name of person named in personal directive) in making this assessment of capacity.
- ☐ I am not aware that anyone has been named in the personal directive for consultation.

3) Capacity explained:

“Capacity” is defined in the Personal Directives Act to mean the ability to understand information that is relevant to the making of a personal-care decision and the ability to appreciate the reasonably foreseeable consequences of a decision or lack of a decision.

- ☐ Before conducting the assessment of capacity, I explained to _____ (full name of person being assessed) the purpose of the assessment, the significance and effect of a finding of capacity or incapacity, and their right to refuse to be assessed.

4) Assessor’s opinion

It is my opinion that _____ (full name of person being assessed) has the capacity to make a personal-care decision regarding the following:

Personal Care Decision

Capacity

- Health care _____

Yes ☐ No ☐

(Specify the type of healthcare)

(“health care” is defined for the Personal Directives Act to mean any examination, procedure, service or treatment for an individual that is done for a therapeutic, preventative, palliative, diagnostic or other health-related purpose, and includes a course of health care or a care plan)

- Placement in a continuing-care home
- Provision of home-care services
- Leaving the Province
- Other personal care _____

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

Yes ☐ No ☐

(Specify the type of personal care)

("personal care" is defined in the Personal Directives Act to include, but is not limited to, health care, nutrition, hydration, shelter, residence, clothing, hygiene, safety, comfort, recreation, social activities, support services and any other personal matter that is prescribed by the regulations)

5) Supporting information:

The following information supports my opinion:

A) Observations from my assessment of the person being assessed:

B) Information from other sources *(please specify sources of information)*:

Are there any additional supporting documents, information, or reports attached? Yes ☐ No ☐

(date of signature)

(signature)

(printed name)

Notes:

- 1) This form must be completed by a qualified capacity assessor, in accordance with Section 4 of the *Personal Directives Regulations*.
- 2) This form is to be used:
 - a. if any of the following request an assessment of the capacity of a person who has made a personal directive or a person on whose behalf personal care decisions will be made:
 - the person who made the personal directive or on whose behalf personal care decisions will be made.
 - a delegate named in the personal directive.
 - a statutory decision-maker.
 - the nearest relative (as defined in the *Personal Directive Regulations*).
 - a health-care provider.
 - a person in charge of the home-care services provider or continuing-care home where the person who made the personal directive or on whose behalf the personal care decisions will be made resides.

(s. 10(2) and (3) of the Personal Directives Act)
 - b. for the assessment of capacity of a person who has made a personal directive after they have been prevented from leaving the Province. *(s. 11 of the Personal Directives Act)*
 - c. for the assessment of capacity of a person delegated under a personal directive to make personal-care decisions. *(s.13 of the Personal Directives Act)*
- 3) An assessment made under s.11 of the Act after a person has been prevented from leaving the Province must be completed as soon as is practicable. *(s.11(2) of the Personal Directives Act)*