

Jigsaw Puzzle of Care

“What Do We Do With Mom?”

Power of Attorney for Personal Care

CareConnect | A Division of The Care Guide



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“What Do We Do With Mom?”

- Addressing care issues for families, the importance of having a Power of Attorney and the potential consequences of not being prepared



This is What I Will Cover Today...

- **The Care Guide and CareConnect**
 - What is CareConnect? Who we are and what we do.
- **Joan McDonald**
 - Who I am, my background and what I do.
- **POA and Care**
 - Power of Attorney Relating to Care. POA information and how it will affect your family.
- **Case Studies**
 - Challenges Any Family Can Face. Typical instances and who was involved.
- **Case Study Analysis**
 - What Worked and What Didn't with and without a POA.
- **Questions Answered**
 - POA, Living Wills and Capacity Assessments. General Information provided by the Government of Ontario



The Care Guide & TheCareGuide.com

- Canada's most comprehensive resource for seniors and their families, making important life change decisions
- The Care Guide was born of our passion for helping seniors and their families through the often daunting task of finding appropriate housing and in-home services



CareConnect (a division of The Care Guide)

- CareConnect provides a helpline and offers Eldercare Management which is a skill, developed from extensive training and hands-on experience
- Whether coping with crisis or planning ahead, we provide the knowledge, expertise, direction, trust and solutions necessary to ensure optimal quality of life for seniors and their families, and peace of mind for everyone
 - Crisis management
 - Situational assessments including health status, needs and preferences
 - Transition planning
 - Ongoing monitoring, decision support, advocacy, information & referral



Who I Am...

- My name is **Joan McDonald**
- I am a **Registered Nurse** and a **Professional Eldercare Consultant** working for **CareConnect** a division of The Care Guide



Power of Attorney

A Power of Attorney is a legal document that gives someone else the right to act on your behalf

There are 3 different Power of Attorney documents in Ontario

- A **Continuing Power of Attorney for Property (CPOA)** covers your financial affairs and allows the person you name to act for you even if you become mentally incapable
- A **Non-Continuing Power of Attorney for Property** covers your financial affairs but can't be used if you become mentally incapable. You might give this Power of Attorney, for example, if you need someone to look after your financial transactions while you're away from home for an extended period of time
- A **Power of Attorney for Personal Care (POAPC)** covers your personal decisions, such as housing and health care.
(www.attorneygeneral.jus.gov.on.ca)
- A Power of Attorney is a legal document that gives someone else the right to act on your behalf



Power of Attorney for Personal Care

- This presentation addresses the Power of Attorney for Personal Care, or (POAPC)
- For personal care and health decisions such as where you live, what you eat or what medical care you will receive if you get sick or injured, you can name someone in a power of attorney for personal care.

(www.attorneygeneral.jus.gov.on.ca)



Case Study #1: Preview Continuing Power of Attorney

- Case Study 1 is an example of how the Continuing Power of Attorney document helped this family and allowed a seamless transfer of decision making from father to his family



Case Study #1: Continuing Power of Attorney

- A 77 yr old male widower living independently in his own house. He has 2 grown children. Over the last 2 years he has had increased short-term memory loss.
- He does not eat proper meals, he has diminished personal care and increased frustration and agitation as his status is changing. His family members have initiated visits to a Geriatric Psychiatric Specialist which documented his diagnosis of mild to moderate Dementia .
- CareConnect was contacted by the family to assist with the management of his declining status.
- CareConnect provided a needs assessment with the client and family. A short and long-term care plan was established and care was arranged to provide his meals, personal care, outings .
- This client has a Continuing POA, which covers his financial affairs and allows his family members to act for him as he has been deemed mentally incapable.



Case Study #1: Analysis Continuing Power of Attorney

- This client and his family had the foresight to have Power of Attorney forms signed to include Continuing Power of Attorney for Property
- Due this being done, there was no need for a Capacity Assessment which is a long and involved process
- They also identified the increased inability to make capable decisions of their father.
- There was a need to find help to navigate the healthcare system on behalf of their dad, which is ongoing as per is current status.
- This client has been added to a wait-list for a Long-Term Care Facility



Living Wills

- A Living Will is a document you write down what you want to happen if you become ill and cannot communicate your wishes about treatment. For example: Do not want to be kept alive on artificial life supports if there is no hope of recovery.

Another term for Living Will is Advanced Directives

- A Living Will is not the same as a POA: A POA is a legal document which names a specific person to act on your behalf. A Living Will is where you write down your treatment wishes and should be part of your POA
(www.attorneygeneral.jus.gov.on.ca)



Case Study #2: Preview

Professional in his mid 60's caught without a POA



Case Study # 2

- A 67 year old practicing lawyer when he suffered a stroke. He has right side paralysis and aphasia (a language disorder due to injury), and was unable to speak. He lacked the ability to make informed decisions. I met this client following a referral from his doctor. He did not have a Power of Attorney set up assuming he would attend to it when he was older. His son has become his decision maker.



Case Study # 2: Analysis

- This client could not relay his wishes and the family had to make decisions for him. This resulted in total frustration and depression for the client which affected his recovery. Over the following year his capacity has improving.
- How could the outcome have been better? The client needed POA and written his Living Will making his care plans known so the his family could have abided by his wishes instead of guessing. Its never too early.



Capacity Assessment

- Mediation of matters of capacity, consent, civil committal and substitute decision making
www.ccboard.on.ca
- Capacity Assessment is the formal assessment of a person's mental capacity to make decisions about property and personal care. Under the Substitute Decisions Act, many situations require capacity assessments to be conducted by specially qualified assessors who must follow specific guidelines.

(www.attorneygeneral.jus.gov.on.ca)



How is mental incapacity defined?

- In Ontario, a finding of incapacity relates to certain types of decisions.
- For example, a person who is found mentally incapable of managing their property or finances is not necessarily incapable of making decisions regarding their personal care.
- A person is incapable of personal care if they are not able to understand information that is relevant to making a decision concerning their own **health care, nutrition, shelter, clothing, hygiene** or **safety**, or is not able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.

(www.attorneygeneral.jus.gov.on.ca)



Substitute Decision Act

The Substitute Decisions Act (SDA) is a law that governs what may happen when someone is not mentally able to make certain kinds of decisions. The Act covers financial or property management decisions, and decisions about personal care, which include health care, food, housing, and safety.

A person who makes decisions for another person is called a "substitute decision-maker."

(www.attorneygeneral.jus.gov.on.ca)



Case Study #3: Preview

This case study illustrates the steps to be taken when appointed a Substitute Decision Maker



Case Study #3

A 94 year old independent outgoing woman with 2 grown children. She fell and fractured her hip. Following surgery she became confused, disoriented and uncooperative. Her daughter became her Substitute Decision Maker. Before hospital discharge, a care conference was held and this woman needed 24/7 care and was deemed palliative at that time. The daughter started the process of problem solving what her mothers options were. The reality hit her about the shocking cost of care: homecare, retirement homes and long term care. The family had to struggle with all different aspects of her mothers care. She was discharged to her home with accompanying care



Case Study #3: Analysis

The family needed professional help to navigate the maze of healthcare. CareConnect was able to provide solutions to the daughter as she was unexpectedly put in the role of Substitute Decision Maker. Respite care vs. retirement homes and appropriate levels of care in the home, both public and private. Hourly care at that time was over \$550/day. Retirement homes with assistance can be over \$5000/month. Long Term care with a private room and bath is \$2300/month. However there were wait lists for all the homes the family had chosen between 1- 4 years. Working with the CCAC and CareConnect this woman was able to go home with care and steadily improved.



“What Do We Do With Mom?”

- Go through the Power of Attorney process and have all 3 documents signed.
- Choose the person you assign and that is the person(s) you trust to represent you.
- The best protection is to obtain legal advice, optional.
- Keep your POA in a safe place (ie: a safety deposit box)
- Review as your care needs change, as you age

How do we find solutions?

- Call the CareConnect helpline 1 (800) 311-CARE
- www.thecareguide.com





Eldercare is a Concern for Us All



Thank You

