



I cultivate rights

5th
edition

The right to be represented

In the scope of the 5th edition of Rights Week and, in cooperation with the RPCU (the Provincial Group of Users Committees), Vigi Santé and its residents' committees have decided to concentrate their efforts on the promotion of the **RIGHT TO BE REPRESENTED**. Supported by the Act on Health and Social Services of the Quebec civil code, the right to be represented, gives the resident the opportunity to be represented for all his recognized rights and obligations. When inability or incapacity is present, Vigi Santé acknowledges the importance of pursuing the expressed will, desires and expectations of the resident.

“Representing” someone means acting on his behalf. The basic purpose of representation is to ensure a just and sincere transmission of the resident's expressed will and therefore, choosing on his behalf, the most appropriate interventions best suited to his interests. The right to representation must take into consideration a host of variables. For this very reason, the week dedicated to the right to be represented is an invitation to collectively reflect on all the varied elements of representation in our living environment, for example: how to adequately respect the will and desires of the represented resident; how to select the individual who will act on the resident's behalf; how to define the scope of the need and the form of representation, etc. ...just to name a few.



DIFFERENT ASPECTS OF REPRESENTATION

The Act on Health and Social Services stipulates that the recognized rights of those benefiting from health services can be exercised by a representative.

→ **These representatives may be, in order of priority of action, the legal guardian, the tutor or guardian, the spouse, a close family member of the incapacitated resident, a person authorized by a mandate provided in case of such incapacity and finally a person manifesting a specific interest.**

The Quebec civil code stipulates that the representatives can only exercise their function when the person to be represented is judged unable or incapable of exercising his or her rights and to fulfill his or her obligations. As long as one is able to exercise one's own rights, he or she is the one who will exercise them.

A person will thus only be able to represent another when the court shall order the opening of a protection program and name a legal guardian or tutor or approve a mandate in case of incapacity. If the need for protection is brought forth and none of the resident's close family comes forth to assume the needed adequate representation or cannot act in this manner, then legal protective supervision will be instituted by the Quebec Public Trustee.

However, there are different measures that the family can use, with the resident's approval, which will help him manage his belongings and assets on a daily basis and to make decisions with and for him.

Did you know that the spouse is considered to act in the best interest of his or her incapacitated husband or wife allowing him to maintain in his name any transaction and current management of affairs? That a close relative or a person of confidence can have, on behalf of a resident, a duly signed power of attorney to attend to the daily management of certain specific actions relating to the managing of goods and assets belonging to the resident? That certain provincial and federal laws allow a third party to manage, on behalf of a person who no longer has the capacity to do so, the benefits, indemnities or financial privileges or advantages he or she is entitled to?

→ **Various information documents are available from the Québec Public Trustee's office free of charge; contact them or consult their web site at www.curateur.gouv.qc.ca.**

CONSENTING TO CARE OR TREATMENT, A NEED TO CLARIFY

The ability of a person to consent to his own care services is to be distinguished from an inability leading to the opening of a protection plan. This means that a person legally represented can be judged apt to understand the nature and extent of a particular care service or treatment as well as its effects, therefore able to consent to such care. The ability to consent to specific care must therefore be evaluated in each situation, according to the type of care proposed and the understanding demonstrated by the resident as to the elements involved. The civil code stipulates that if the person is judged unable to consent, the substituted consent will apply. Decisions must always be made in the best interest of the resident. It is important to mention that except for emergency situations and reasonable hygiene care, a resident unable to consent may at all-times refuse a care for which a substituted consent would have been given.

CODE OF ETHICS

Vigi Santé's Code of Ethics recognizes the resident's right "to be represented in case of incapacity, so as to pursue the expression of his wishes, his desires and his expectations". In the case of incapacitated residents, we favor the transmission of information to the representative and favor his or her involvement in the decision process concerning the resident, in the same manner as if the resident himself was participating in the decision making process. The cooperation of the representative is expected during the whole length of the resident's stay, specifically when developing or revising the resident's individual intervention plan.



→ The Code of Ethics is available at the reception area of the CHSLD or can be consulted on our web site at www.vigisante.com.

I REPRESENT A RESIDENT, HOW CAN I BEST REPRESENT HIM?

Acting on someone's behalf is a big responsibility. How can I be sure that the resident's will and desires are properly represented? The first element to establish is the resident's ability to express his thoughts on the decision. If you have a meaningful conversation with him, try to obtain his view on the matter; if not, try to observe his or her reaction. This can help direct you in your discussions with the health professional involved. If the decision concerns the resident's care, he may have specified his desires in a written will or in a previous mandate prepared in case of such incapacity. You can also refer to previous conversations held with the resident in the past which may provide answers as to the course to follow. Reflecting on the values and principles which he valued during his life will help you come to a decision which favorably reflects the residents own choices and desires. Finally, one must be reminded that the decisions made must be in the sole interest of the represented resident.

→ To help you in the carrying out of your role of representative, different documents are available through the Public Curator's office, such as: **Your Role as Legal Representative for the Protection of the Person; A Close Relative or Friend Becomes Incapacitated — How Can You Protect Them?**

A TEAM DEDICATED TO THE WELLBEING AND THE INTERESTS OF THE RESIDENT.

The team is concerned with the psychosocial wellbeing of the residents and therefore actively applies itself to ensure adequate representation to all residents requiring it. On a daily basis, the clinical team observes each resident and, as needed, informs the various health professionals of their observations. The psychologist, the occupational therapist, and the social worker, in cooperation with the medical doctor, contribute to the evaluation of various aspects of the resident's ability, namely in setting up structural measures adapted to the needs of the resident. When the incapacity is identified, medical and psychosocial evaluations must be performed.

In the context of adequate representation, the facility's social worker has the primary concern to answer to the needs of the resident, to watch over his higher interests and to facilitate the role of close family by supplying information pertinent to the social situation of each resident. The genuine cooperation and free exchange of information between the resident, his close family or his representative allows for the creation or maintenance of an adapted living environment better suited to the individual resident's living patterns and better corresponding to his social realities.

→ As a resident, you can help us guide you in the steps leading to effective representation and the carrying out of certain decision making processes.

RIGHTS WEEK FOR USERS OF HEALTH AND SOCIAL SERVICES

Province wide from September 28th to October 5th, 2012 the RPCU - the Provincial Group of Users Committees (Regroupement Provincial des Comités des Usagers) – has organized the second Rights Week for health and social service users. With the theme of the right to be represented, the RPCU takes the opportunity to promote, by means of various activities, the rights of all users of the network and to make known the role played by each facility. .



Vigi Santé is proud to be a partner in this event. To find out more about the RPCU programming, consult their web site at: www.rpcu.qc.ca.

TRUE OR FALSE ?

- 1** If the resident had not designated a representative when he was able to, then a Public Curator will be named to represent him or her.

False: It is possible to name a private curator or tutor if someone close to the resident demonstrates an interest in such representation and has the ability to take on such responsibility.

- 2** If I am named representative, I have the power to decide for all the aspects of life of the person I represent.

False: The representative must respect the residual capacities of the person he represents and especially his or her expressed will and desires.

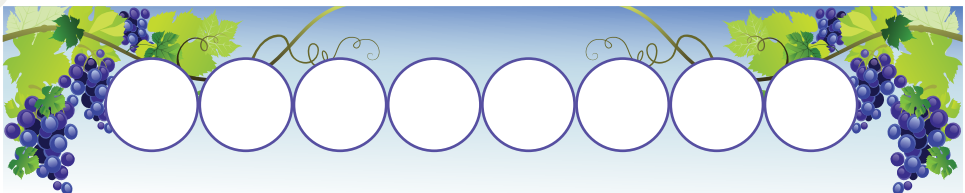
- 3** It is the social worker and the medical doctor who perform the evaluations in view of establishing legal representation for a resident.

True: Medical and psychosocial evaluations are required for such an undertaking.

MYSTERY WORDS

Among the many accepted practices listed below, circle those which best demonstrate the respect of the right to be represented. Assemble the letters associated with each selected one to find the mystery words.

- J** As an employee, I wear my identification tag and identify myself during my interventions.
- DE** The social worker performs the psychosocial evaluation in view of determining the resident's need for protective supervision.
- S** The representative discusses with the nurse or the dietitian to express the food preferences of a resident who is no longer able to do so.
- I** As a resident representative, I fill out the survey forwarded to me concerning the evaluation of the level of satisfaction for the services provided.
- G** As an employee, I address the residents politely and address them as "Mr. or Mrs."
- LL** As a part of the team, I advise the management of the facility should a judgment be rendered concerning the approval of a mandate in case of incapacity.
- &** If a resident under public curatorship needs a specific care, after discussing this with the resident to get his views, the nurse obtains the consent of the Public Curator.
- H** As a visitor, I abide by the specific isolation measures when there is a contagious outbreak.
- W** The nurse seeks the participation of the representative to get his opinion on an intervention plan and discusses the general condition of the resident.
- B** The nurses aid applies the restraint procedures when required and authorized as a last resort.
- IR** As family member, I accompany my parent to meetings with specialists to reassure him and ensure a proper understanding of his or her condition.
- ES** In my role as representative, I sign consents for vaccination after having discussed this with the resident I represent.
- R** As a visitor, I am careful not to bring any freely available pharmaceutical product to the resident's bedside.



Clue: They are generally expressed by residents before they need to be represented; and in the exercise of this function, the representative must see to it that they are respected.

Masculin is used in this publication for the sole purpose of ease of reading and without any discrimination.

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- Vigi Santé's Users Committee
- Your CHSLD's Residents' Counsellor
- Vigi Santé's Complaints and Service Quality Commissioner
- Vigi Santé's Social Service
- Vigi Santé's Vigilance and Quality Committee
- Vigi Santé's Director of Quality and General Management



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Une version française de ce feuillet est disponible sur demande.

“I cultivate the right to be represented”

**Theme of Rights Week in all Vigi Santé's CHSLDs
Fall 2012**

**Come cultivate with us,
the harvest will only be better!**

VISIT OUR WEBSITE AT:

www.vigisante.com

News, publications, and other information are available.

The Residents' Committee of the CHSLD is there to contribute to the promotion and respect of your rights. Do not hesitate to call upon it!



Local Complaints and
Service Quality Commissioner:
Denis Chaput: 514 684-0930, extension 1439



For more information, ask for our brochure
“Your satisfaction is important to us”

Solution of the mystery words : WILL & DESIRES