

What Is a Substitute Decision Maker (SDM)?

A **substitute decision maker (SDM)** is someone who is appointed to receive information from the hospital and make decisions for a patient when the patient is not able to make decisions on their own.

Who can be an SDM?:

Anyone of the following can be an **SDM**:

- Someone given permission by the patient, such as a family member or close friend
- Someone appointed by a court as the patient's guardian
- The patient's spouse or common-law partner
- An adult child of the patient
- A parent or guardian of the patient
- An adult brother or sister of the patient
- Any other adult next-of-kin family member of the patient
- The Public Trustee of Nova Scotia

When more than one person qualifies as being the **SDM**, the responsibility is offered to people in a certain order. For example, someone given permission by the patient would be offered the role of **SDM** before the patient's sibling or the public trustee.

You must be willing and able to act as the **SDM**. You also have the right to refuse the role. If you refuse, the next most-qualified person on the list will be offered the role. You must also have had contact with the patient within the last year.

It is the hospital's responsibility to make sure the correct person is appointed as **SDM** in every case.

The **Involuntary Psychiatric Treatment Act (IPTA)** Review Board has the right to replace an **SDM** with another person, if necessary. If necessary, this will happen through a Review Board hearing.

What rights do you have as an SDM?:

- You can refuse the role of **SDM**.
- As an **SDM**, you can access, use, and share personal health information about the patient if it is related to the decisions you have to make.
- You can refuse to consent to any treatments for the patient.
- You can request that the hospital reviews the patient's file.
- You can request that the IPTA Review Board investigates the patient's file.

What do you need to do as an SDM?:

When you are an **SDM**, you are part of the care team working to help the patient get better. You are not alone in this role. The **Patient Rights Advisory Service (PRAS)**, **Nova Scotia Legal Aid (NSLA)**, and the hospital staff can help you.

Once you become an SDM you must

- speak with the patient about the situation and their wishes
 - speak with anyone you believe might know the patient's wishes
 - speak with the patient, the hospital, and the patient's lawyer/**NSLA** (if necessary) about the treatment and legal options available to the patient
 - encourage and help the patient (if you can) to make their own medical decisions
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Follow these steps when you need to make medical decisions

1. If the patient made any decisions about their own care when they were well, and you know those wishes, tell the care team. (Example: Did the patient ever say to you "If I'm in the hospital again I want/don't want ____"?)

Make sure you are acting on the most recent wishes or decisions the patient made when they were well.

2. If the patient did not give you any information while they were well, think about what they would want. What are their values? Their beliefs?

Talk about these things with the care team and do your best to act on the patient's wishes and in their best interests. This may mean acting on their current wishes.

The care team, including you, does not need to follow any of the patient's wishes if those instructions could physically or mentally harm the patient or another person. However, you should make those wishes known to the care team and they will decide if the wishes are safe.

Once you have made a medical decision, you must

- make sure the patient is aware of the decision, even if you decided NOT to make a decision. The care team can help with this.
- continue to make sure the patient is aware of any changes in their care plan
- continue to work with the care team to ensure they have all the information they need
- be open to working with the IPTA Review Board; they will make sure the patient is being cared for properly

Any more questions?

You can contact any member of your care team at the hospital, your **NSLA** representative, or your **PRAS** advisor if you have any questions. Please record their information below for easy reference:

Position	Name	Telephone	Email
Attending Physician			
Assistant			
NSLA Lawyer			
Assistant			
Patient Rights Advisor			
Assistant			