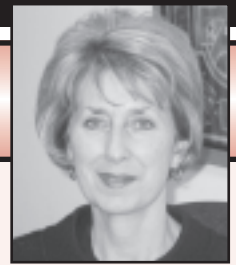


ASK A PRACTICE ADVISOR

by Linda Banerjee, RN, Nursing Practice Advisor



Question: I have been asked to complete an assessment on an individual who is no longer able to make decisions for her care. A family member wishes to become appointed as a personal guardian. As an RN can I do the assessment?

In 2001, The Adult Guardianship and Co-decision-making Act and Regulations came into effect to enable applications for control of both personal and property matters when an individual requires help with decision-making. The final decision to determine either guardianship or co-decision-maker is up to the courts. When an application is filed in court to determine a decision-maker, the court will require evidence as to the adult's level of capacity to make personal or property decisions. In both situations, the Act requires at least two assessments be filed with the court regarding the adult's capacity. The regulation states that at least two of the assessments must be performed by one or more of a physician, a registered psychologist, a registered psychiatric nurse, a registered nurse, an occupational therapist, a social worker or a speech language pathologist.

An RN may be requested by his or her employer, a family member, a physician, a lawyer or an adult who proposes to be named as the adult's guardian to complete an assessment (Form J) on an adult to determine his or her capacity. Form J is a legal document that an RN signs under oath. The affidavit then becomes evidence for the court to consider in determining whether to make an order appointing a decision-maker for the adult. The RN may be called

upon by the judge to attend a hearing and may be asked questions about the assessment.

Form J must be filled out in an objective and professional manner and must cover all the points required by the Act, the regulation and the form.

In completing the assessment (Form J) the RN acts in good faith, giving paramount consideration to the interests of the client. The RN must:

- Be competent to carry out the assessment, utilizing appropriate tools or methods to assess the adult's capacity.
- Make sufficient number of visits in order to interview the adult.
- Interview caregivers and have access to other professional reports such as the medical file.
- Have access to significant others, friends and family members to obtain relevant information about the adult's capacity.
- Refuse to sign an assessment if not given sufficient access to the adult to conduct personal interviews and to the adult's previous caregivers, family members and friends.
- Make personal observations and carry out own tests rather than hearsay before giving an opinion.

Further information about The Adult Guardianship and Co-decision-making Act and how it impacts RNs can be found at www.srna.org.

References:

Province of Saskatchewan. (2001). The adult guardianship and co-decision-making act . Regina: Author.