

~ Ontario ~

Power of Attorney for Personal Care

Christian Version

EXPLANATORY SUPPLEMENT

**Understanding the document
and why you answer the way you do.**

You don't have to read this . . .

. . . but we wish you would. You can take the Power of Attorney for Personal Care – Christian Version document, fill in a few blanks, sign it, and be on your way. We ask, however, that you take the time to read this supplement. This is certainly a very important issue, and we have designed this material to help you understand not only what you have signed but why you have answered the questions the way you did.

MEDICAL DIRECTIVE STATEMENTS The Power of Attorney for Personal Care (POAPC) document is a medical directive statement. Medical directive statements are intended to guide others on how to provide for your care if you become unable to make decisions about your health care. POAPC documents are preferred because they generally allow a person more options for providing health care than the living will.

MORE OPTIONS Sometimes more options mean more confusion. The ability to customize the POAPC brings the Christian two challenges:
1) crafting the document to properly reflect Christian convictions which are based on God’s Word; and, 2) understanding and making choices in the medical arena that can often be confusing and overwhelming.

THE PERSONAL DIRECTIVE - CHRISTIAN VERSION In the 1980s and 1990s, society became very interested in medical directive statements, and individual provinces began formulating legislation around what were called “living wills.” Living wills appear to have been promoted primarily by right-to-die organizations. They were clearly “pro–death” documents designed to allow people the “right” to refuse potentially life–prolonging treatment or care in favor of life–shortening measures.

As provinces began to adopt these pro–death documents Christians became frustrated. It became clear society and the medical community were looking for written medical directive statements. Christians, however, found most living wills unacceptable with their convictions.

The advent of Power of Attorney for Personal Care documents provided people with a generally more acceptable alternative to living wills. With this growing acceptance of POAPC documents came the desire for many people to give a Christian witness and provide God–pleasing direction for their medical care with a document recognized within their province’s statutes. To assist Christians in using the customary POAPC document, Christian Life Resources, Inc. developed the “Christian Version.”

VALIDITY Two provincial statutes, called the *Substitute Decisions Act of 1992* and the *House Care Consent Act of 1996*, govern the creation and revocation of Power of Attorney documents, substitution decision making, and the manner in which personal decisions are made for incapacitated people. Powers of Attorney for Personal Care are legal documents. You are given the right to create such a document, but no one can be forced to have one. This document is provided for those who want a document that meets all legal requirements and includes a Christian component.

Any written document that can be verified as authentic and executed while the person was competent to do so, is generally accepted as valid.

There is always the possibility that verbal or written instructions may be too vague or violate an unknown regulation and can therefore jeopardize the document’s validity. It is for that reason

that more and more provinces have passed legislation to allow for documents which appoint a power of attorney for personal care. Such legislation prescribes the critical elements of such a document.

It is important to remember that even using a document in 100 percent conformity with provincial statutes does not fully protect it from legal challenges. In this litigious society there are no such guarantees. Conformity to provincial statutes, however, certainly strengthens the document's integrity.

Provinces are able to change their statutes at will as they apply to Power of Attorney for Personal Care. As the statutes change we modify our documents to properly reflect those changes. The document you received is the most current that is available. Once you fill out your document, it will be legal and will not need to be changed or updated even if the statutes change. If you postpone filling out this document for an extended period of time, please call our office to ensure you have the most recent copy.

The Power of Attorney for Personal Care – Christian Version document has been carefully designed to be in full compliance with the statutes for the province of Ontario. Christian Life Resources, Inc. has similar documents available for all 50 United States and select Canadian provinces. If you desire this document for a different location, please contact Christian Life Resources, Inc. at 1-800-729-9535.

UNDERSTANDING THE DOCUMENT

This portion of the Explanatory Supplement will help you understand the Power of Attorney for Personal Care – Christian Version document. By following these simple directions, you will be able to understand your choices and select the options that best fit your needs and wishes.

PAGE 1

Notice to Person Making This Document

It is very important that you understand the significance of executing this document. From a Christian perspective we are more inclined to say you have a responsibility to make decisions about your health care. God’s Word reminds us that life is God’s gift to us. (Acts 17:25) – *And he is not served by human hands, as if he needed anything, because he himself gives everyone life and breath and everything else.*)

As Christians, God further reminds us in his Word that our bodies are temples of his Holy Spirit. (1 Corinthians 6:19) – *Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own.]* Life, therefore, is a blessing entrusted to us. As with all blessings from God, it is given in various degrees but always with the responsibility to properly care for it. (Genesis 9:5) – *And for your lifeblood I will surely demand an accounting. I will demand an accounting from every animal. And from each human being, too, I will demand an accounting for the life of another human being.]*

PAGES 2-3

Designation of Attorney for Personal Care

First of all, understand that this designated person, called your “attorney for personal care” or simply “attorney,” only makes your medical decisions for you when you cannot. If you are competent, you make the decisions. Even though you complete and sign this document, it only goes into effect when you can no longer make medical directions for yourself.

You are first asked to designate your Attorney for Personal Care. This is the person you want to make medical decisions for you when you cannot.

DESIGNATION OF ATTORNEY FOR PERSONAL CARE

If I am no longer able to make health care decisions for myself, due to my incapacity, I hereby designate

_____,
Attorney for Personal Care

_____,
Address

_____, to be my attorney for the purpose of making health care decisions on my behalf.

Phone

Obviously, the selection of an Attorney for Personal Care is very important. In general, you are not permitted to designate anyone who is compensated to provide for your care. This would eliminate your doctor and members of his or her staff; a counselor, housekeeper, landlord, or social worker. The government wants to ensure that such institutions or professionals which might stand to gain financially from your health care decisions are not designated as the primary decision-maker of your health care needs. The document also does not permit you to select any staff member of the hospital or nursing home where you reside unless that he/she is related to you. Carefully read the restrictions stated in the document.

You are then asked to designate your First Alternate Attorney. Ontario law does not require the selection of an alternate attorney, but we suggest you select one anyway. The alternate attorney will assume the role of attorney when the primary attorney is unable or unwilling to assume the duties as outlined in this Power of Attorney for Personal Care document. You are also allowed to select additional alternate attorneys, and this document allows for the listing of up to four alternates. You may select fewer than four alternates and leave some of the lines blank. If you choose to select more than four alternates, you may add those names on a separate page and attach that page to your document.

The intent is that you designate an attorney who is primarily interested in your needs. That is why people are careful not to designate attorneys who would be too busy for the task; too selfish to be genuinely concerned; or too greedy for an inheritance.

You want someone who shares your convictions about God, salvation, the value of human life, and the desire to make decisions pleasing to God. You also should take into consideration someone who can handle the responsibilities of making medical treatment decisions for you when you can no longer make them for yourself.

While medical professionals and the government may be primarily interested in someone who has your concerns in mind, you should seek out someone who first has God's concerns in mind.

Generally, this person shares your faith and has your complete trust. That is why many designate their spouse, children, dear friend, or relative.

Your attorney and alternate attorneys do not have to be residents of Ontario.

If you select more than one attorney, you need to indicate your preference in the way they fulfill their responsibilities and how they work together. You have some decisions to make on this page.

The first decision is whether the attorneys should act individually or as a group. If you select “Individually,” you are saying that only one attorney is authorized to make decisions. In most cases, that would be the primary attorney. If your primary attorney is unable or unwilling to make your decisions, then the first alternate attorney would serve as your attorney. If both the primary attorney and first alternate attorney are unable or unwilling to serve, then the second alternate would serve as your attorney. By selecting, “Individually,” you are saying that the one person who is the highest designation would be solely responsible for making the final decisions regarding your personal care. If you select, “As a Group,” you are directing all your designated individuals to act together in make your personal care decisions.

We recommend that you select “Individually,” for this section. That person can still consult with other alternates, family members, your clergy, or others, but is ultimately responsible for making the final decisions. By making this choice, you avoid confusion and inevitable disagreements among the group.

If you select “As a Group,” you should understand that you are requiring all those you have designated as attorney and alternate attorneys to agree before a decision can be made and communicated. Since there is the potential for disagreements within the group, the next section needs to be completed. If you choose “Following directions of primary attorney,” you are saying that if the group disagrees, then the highest prioritized attorney is the one who makes the final decision. If you choose, “Following directions of the majority,” you are saying that disagreements are settled by vote and the majority opinion is the final decision.

PAGE 3

General Statement of Authority Granted

This section states that you authorize your Attorney for Personal Care to make health care decisions for you. This is a serious and important matter and deserves serious attention.

We encourage you to talk to your designated attorneys and discuss your wishes with them so they can make informed and reasonable decisions if they are required to act on your behalf.

PAGE 4

Statement of Desires, Special Provisions, or Limitations

This section is provided so you can add specific instruction for your Attorney for Personal Care. The first two are already provided. If you do not agree with one or both of

those statements, you may cross them out so they are not included as part of your document.

You are also allowed to include additional restrictions beyond those that are already listed. If you need additional space, you can write your wishes on a separate page and attach that page to your document.

In general, we suggest you do not include additional statements to your document because they might limit your attorney from working effectively in making decisions. It is often better to communicate your general wishes in personal discussions rather than in a written list.

PAGE 5

Signature of the Grantor

After filling in the top portion, you need to sign on the line that states “Signature.”

PAGE 5
The person creating this document and the witnesses all must sign the document at the same time.
SIGNATURE OF THE GRANTOR (Person creating this Power of Attorney for Personal Care)
Signature: _____ Date: _____
(The signing of this document by the principal revokes all previous power of attorney for personal care documents.)

Statement of Witnesses

This signature must be witnessed by two qualified adults. You must sign both the Power of Attorney for Personal Care – Christian Version document on page 5 and the attached Addendum on page 9 in the presence of those two witnesses.

Make sure you read the paragraph on this page so you know who can, and cannot, serve as witnesses. Also make sure you sign your name in the presence of the two witnesses and have them sign their names immediately after they watch you sign your name.

PAGES 5-6

Signature of Attorney(s) for Personal Care

This section asks all those you have designated as potential Attorneys for Personal Care to sign their names. These signatures prove that your attorneys are aware of your selections and have agreed to serve in their designated roles.

UNDERSTANDING THE ADDENDUM

The Addendum makes up the rest of the POAPC document. It gives specific directions to your attorney in fact to help that person make decisions consistent with your desires. Due to the detail found in this portion of the document, you should sign the Addendum on page 9 at the same time you sign page 5. Since this Addendum has information that describes your wishes, it should be witnessed at the same time as the POAPC.

PAGE 7

Exceptions to Health Care Directives

Point #3 reads as follows:

“If I have an incurable terminal illness or injury, and it is medically certain that my death will occur within six (6) months, my health care representative may consent to the withholding or withdrawal of life-sustaining health care. However, I still desire health care for easily treatable acute and chronic conditions, and health care that is intended to relieve pain or make me comfortable.”

(Addendum, Exceptions to Health Care Directives, p.7, #3)

The condition noted as “an incurable terminal illness or injury” is caused by substantial damage to vital organs; meaning, the condition is irreversible, and death is “medically certain” to occur within six months. Experience shows that in those circumstances even the administration of “life-sustaining health care” may, in fact, prolong and antagonize the dying process. Most often the issue arises as the body seems progressively unable to process oxygen (requiring ventilator support), endure dialysis, and even process food. To continue these otherwise life-sustaining efforts when they are now causing suffering would both be cruel and appear to challenge God’s prerogative to bring life to an end.

This is explained in the Addendum as such:

“... Similarly, I reject any attempt to lengthen my life when it is clear God intends to take it.”

(Addendum, My Health Care Statement of Beliefs, p.6, paragraph #2)

Point #3 (as noted in italics above) acknowledges these circumstances and permits the health care representative to decide to stop such life-sustaining treatment that would appear to prolong and antagonize the dying process.

Can this judgment be abused? Certainly. Individual paragraphs can be lifted from this document to serve nefarious purposes. The document, however, venerates the inherent value of human life and God’s authority over it. As such, no paragraph in the entire document permits any effort specifically taken with the motive to shorten life. To state it practically, if a life-sustaining measure is effective and it is not prolonging and antagonizing the dying process, then it should not be removed if the motive is to intentionally shorten life. The document states that point well in the section of the Addendum entitled “Nutrition and Hydration.”

The value of this advance directive is to relay one’s values regarding life as God’s gift. Because medical options abound at every turn, it is impossible to anticipate each scenario. Our experience has been that there have been situations in which death

appeared medically certain to come within six months and that what otherwise would be routine life-sustaining treatment actually prolonged and agonized the dying process because of the body's inability to benefit from the treatment(s). CLR's approach clearly rejects withdrawing food and fluids with the intent to shorten life, recognizing that in some instances even life-sustaining treatment can become the hardship.

It is also important to note is that we carefully worded the withdrawal of life-sustaining care to be a decision made by the health care agent who is well-indoctrinated in the Christian values of the patient and has an abiding respect for God's authority over life. In other words, this right is not entrusted to just anyone, but to someone designated by the patient who is looking out for God's interest, and the interest of God's child (the patient).

Nutrition and Hydration – *Food and Fluids*

A feeding tube generally comes in two varieties: a gastrostomy tube installed directly into the abdomen and a nasogastric tube which is installed through the nasal cavity and into the stomach. There are other types of tube-feeding, but these are the most common.

A number of conditions may raise the issue of whether to start tube-feeding. Some medical conditions may significantly reduce or eliminate the ability to swallow. This would make tube-feeding necessary. Residents in extended care facilities who require spoon-feeding by staff personnel are sometimes placed on tube-feeding to reduce the demand on staff time.

The debate over the provision of tube-feeding is often expressed in clichés and exaggeration intended to mask the fundamental issue. Common arguments against tube-feeding include the notion that it is unnatural and is considered modern technology. For those reasons some feel it intrudes upon what would be termed a “natural” death.

Tube-feeding is not exactly *modern technology*. It has been used for over 100 years. Tube-feeding is also no more “unnatural” than insulin for the diabetic, nitroglycerin for the heart patient, and dialysis for those with kidney failure. All of these represent advancements in medicine that help us care for and prolong human life.

The underlying arguments usually center around quality-of-life issues and the economy of time and resources. Tube-fed patients often have a decreased quality of life and are greater drains on financial resources and the schedules of loved ones. Society in general is finding these problems to be sufficient justification to discourage tube-feeding or discontinue it. A Christian, however, must first look to what God's Word has to say.

The Biblical Principles That Apply Here Are As Follows:

- † 1. Human life has varying degrees of quality as a result of sin in the world.
(Matthew 15:30) *Great crowds came to him, bringing the lame, the blind, the crippled, the mute and many others, and laid them at his feet; and he healed them.*

- † 2. It is the natural tendency of sinful human beings to look differently at people based on their quality of life.

(Luke 14:12-14) *Then Jesus said to his host, "When you give a luncheon or dinner, do not invite your friends, your brothers or sisters, your relatives, or your rich neighbors; if you do, they may invite you back and so you will be repaid. But when you give a banquet, invite the poor, the crippled, the lame, the blind, and you will be blessed. Although they cannot repay you, you will be repaid at the resurrection of the righteous."*

† 3. God shows equal love to all people regardless of their quality of life.

(John 3:16) *For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life.*

† 4. God wants us to reflect his impartiality in dealing with all people.

(James 2:1) *My brothers and sisters, believers in our glorious Lord Jesus Christ must not show favoritism.*

† 5. God is the author of life and death.

1 Samuel 2:6) *The LORD brings death and makes alive; he brings down to the grave and raises up.*

In applying these principles, God's Word illustrates that taking action with the "specific intent" to end human life, such as stopping administration of food and water in any form, is wrong.

God's Word also shows us that failing to help someone care for his body and life is equally wrong.

These principles and applications resulted in the Addendum directive which reads:

I do not give consent for the withholding or withdrawal of nutrition or hydration, even if I am diagnosed to have a terminal illness or injury, if doing so would cause my death by starvation or dehydration rather than from the terminal condition or injury.

(Addendum, Health Care Directives, p.6, #4)

There are, however, medical conditions in which tube-feeding is either not possible or futile. For example, a patient with an inoperable intestinal tumor may not be able to process food and fluids. To force any type of feeding would most likely antagonize and accelerate the dying process.

There are also situations in which, in the course of tube-feeding, the patient develops a medical condition, and death is imminent. In other words, no matter what is done, death is expected to occur within the next few hours or days. In this circumstance the withholding of food and fluids does not contribute to the dying process. It is for these types of circumstances that the Addendum prescribes:

Should it become clear that God wishes to take my life, namely that I am diagnosed to have a terminal illness or injury where death is imminent, I direct that life-sustaining procedures be withheld or withdrawn, and that I be permitted to die in God's time.

(Addendum, Health Care Directives, p.6, #4)

In summary, when food and fluids sustain life, they are to be provided regardless of the patient's quality of life. If such feeding, however, is not possible or futile, one is not obliged to pursue it.

Remember, the purpose of designating your attorney in a medical directive statement is to allow that attorney to make medical decisions for you when you are unable to do so. In this section, it authorizes your attorney to remove tube-feeding when it is *contraindicated* (meaning, tube-feeding is no longer sustaining your life, or it is harming your life – such as when an intestinal blockage prevents the body from processing ingested food. In other words, your attorney can authorize its withholding or withdrawal.

In light of this explanation and the provisions in the Addendum, we suggest you discuss this issue with your attorney(s) for personal health and communicate your beliefs clearly on this matter.

Pregnant Women

This section states that your attorney is authorized to make medical decisions for your baby if you are pregnant. If this section neither presently, nor ever will, have application for you, or you do not want your attorney to make medical decisions for your baby, cross out this section.

PAGE 8

Anatomical Gifts

If you wish to use this form to make an anatomical gift, you should check one of the first three lines. If you check the first line, you need to indicate which organs or parts you are willing to donate. If you check the second line, you do not need to indicate any particular organs or parts, because the doctors will take any organ or part that is usable and needed. If you check the third line, you are saying that your entire body will be available for study and research after you die.

If you choose not to make an anatomical gift, you should check the fourth line. If you have previously promised to make an anatomical gift to a particular person, and have now changed your mind, you should attempt to contact the potential donee so he or she knows that you are no longer willing to make this anatomical gift.

Even though this section is optional, we recommend that you check one of the lines. By checking a line, you make your desires clearly known for your attorney and your loved ones. After checking one of the lines, you should sign your name and write the date on the lines provided.

Signature of Clergy

This portion of the Addendum allows you to have your clergy sign the document. This is an option which you have. You are not required to have the clergy's signature.

PAGE 9

Signature of the Grantor

Since the Addendum is an addition to the Power of Attorney for Personal Care document, you should sign on page 9 as well as on page 5 to indicate your agreement with the statements that are made in the Addendum.

Statement of Witnesses

Your signature should again be witnessed. The same two people can serve as witnesses on the document (page 5) as well as the Addendum on page 9.

WHAT TO DO WITH THE COMPLETED DOCUMENT

We suggest that the original document be retained by you in a location known by your trusted relatives and friends. Also make sure to make a number of copies of the document, again keeping one copy in a location known by your trusted relatives and friends. Generally, this would be in an unlocked file cabinet or dresser drawer. You want to be sure your designated attorney for personal care and/or other trusted individual(s) can easily get to it, if needed.

Make copies* of this entire document after it has been fully completed and give one to each of the following:

- Attorney for personal care;
- Alternate attorney (attorneys) for personal care;
- Your primary physician;
- Your congregation for safe-keeping on file.

You may also wish to provide copies to other close friends or relatives.

*Copyright permission is granted to duplicate the Power of Attorney for Personal Care document and Addendum if those copies are to be used for informational purposes only.

UPDATING YOUR COMPLETED DOCUMENT

It is very important that your Power of Attorney for Personal Care document remains current. We suggest that you review it once a year or when events in your life change. Think about the “5 Ds” to decide when you should change or update your Power of Attorney for Personal Care: 1) Decade birthday; 2) Diagnosis of a life-threatening condition; 3) Deterioration of health status; 4) Divorce; and, 5) Death of someone close to you or that may affect your directive. You should also update address and contact information for your attorney and alternate attorney(s) if these change.

IN SUMMARY

By provincial law you have a right to create a medical directive statement, but you are *not* “required” to have one. A Power of Attorney for Personal care allows you the opportunity to communicate with those who will make personal decisions for you if you are unable to make them yourself. A document like this is a good tool to help you communicate those wishes accurately.

While Christian Life Resources, Inc. has spent considerable resources in drafting this document we readily acknowledge that your best protection is to have a well-informed family and a doctor who clearly understands your wishes. We suggest that when you complete the document you meet with your loved ones and go through it line by line. Then schedule an appointment with your doctor and do the same with him or her.

This document is designed not only to provide direction for your medical care but is to be a tool for the Christian witness. When you discuss it with loved ones and your doctor, be sure to use this explanatory document to help you illustrate for them your convictions about God as the Author, Terminator, and Savior of life.

It is our prayer that as you walk through this process of drawing up your health care document your faith will be strengthened by the reminder of God’s authority over all things. May you also find peace and satisfaction that you have taken this step towards assuring that your life is lived in conformity to God’s will to the very end.

May the power and glory be His forever!

For more information, contact:

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