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The Personal Directives Act By The Office of the Public Guardian

The *Personal Directives Act*, proclaimed December 1, 1997, allows adult Albertans to make a legally binding document (a personal directive) in which they can plan for a time when they may not be able to make their own decisions. A personal directive can include a wide variety of instructions and/or can name a person(s), called an agent(s), who will have the authority to make personal non-financial decisions on a person's behalf.

The *Personal Directives Act* also deals with how the person's chosen agent(s) will act on his or her behalf, and how service providers will carry out their duties when a person has made a personal directive. The Act refers to "a person who carries on a business or profession that provides or who is employed to provide a personal service to an individual and when providing the service requires a personal decision from the individual before providing the service."

Psychologists are subject to the same provisions as any other service provider. However, when a personal directive is being brought into force, psychologists have the following two types of special status under the Act:

1. If the maker of a personal directive wishes, he or she may designate any person, regardless of qualifications, to determine his or her capacity. However, the designated person must consult with a psychologist or physician before making the determination.
2. If the designated person is unwilling or unable to determine capacity, the determination is to be made by two service providers, at least one of which must be a physician or psychologist.

The Act does not designate a specific assessment tool for determining capacity. The determination may be made on a purely functional basis, or the formulation of an opinion may require in-depth testing and assessment.

For more information

Call the Public Guardian's Office at 427-9948 (toll free connection within Alberta 310-0000). A Personal Directives Specialist will be pleased to answer your questions. Copies of booklet(s) can be obtained through the Queens Printer by calling Edmonton (780) 427-4952 or Calgary (403) 297-6251 or visit their website at <http://www.health.gov.ab.ca/public/p-r.htm>.