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the right  
to foresee.

Consult your notary!  
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## Advance medical directives by notarized deed

Make sure that medical professionals will abide by your decisions

## Accepting or refusing certain types of care: making your wishes known in advance

### What are advance medical directives?

Advance medical directives are set forth in a written document in which you express **in advance your acceptance or refusal of certain types of medical care in specific clinical situations**. This way, if you are no longer able to consent to care, the medical professionals will be obliged to uphold your wishes.

### In which specific situations will my advance medical directives be used?

Your advance medical directives will be applied if you are in one of the following situations and are no longer able to give your consent:

- you are at the end of life and are suffering from a serious and incurable disease
- your cognitive functions are severely diminished due to an irreversible comatose state or permanent vegetative state
- your cognitive functions are severely diminished due to a state of advanced dementia with no possibility of improvement (e.g., Alzheimer's disease or other types of advanced dementia).

### What kinds of care can I accept or refuse?

- cardio-pulmonary resuscitation
- ventilator-assisted breathing or breathing assisted by another device
- dialysis
- forced or artificial feeding
- forced or artificial hydration

**Advance medical directives that contain refusals of care do not prevent the administration of palliative comfort care.**

Before consenting to or refusing care, it is crucial for you to be informed about the consequences of your choices. Ask a healthcare professional to explain what these types of care consist of and what their benefits, risks and consequences are for your quality of life.



## How to express your advance medical directives

Advance medical directives can be given in the presence of witnesses using the form prescribed by the *Ministre de la Santé et des Services sociaux*. The law also allows for your notary to draw up your directives in a notarized deed. This solution offers clear benefits. Indeed, a notarized deed is hard to contest unlike the prescribed form.

### What conditions have to be met for you to draw up your directives?

- you must be at least 18 years old
- you must be capable of giving consent to care at the time you sign them.

## Why put advance medical directives into writing?

If you have already expressed your advance medical directives and become incapacitated, the doctor does not have to get authorization from the person who can consent to your care on your behalf.

Healthcare professionals who have access to your medical directives are obliged to follow them.

Your advance medical directives:

- **ensure that your wishes will be respected:** Once the choices you have expressed in your advance medical directives are brought to the attention of the medical staff, they must be applied. Your family, your loved ones and the doctor will have to abide by your wishes, even if they do not approve
- **simplify decisions for your family and loved ones** who would otherwise have to decide what care you will receive
- **prevent possible conflict among your loved ones** or with the care staff
- **allow you to avoid futile medical treatment**

## What are the benefits of working with a notary to prepare your advance medical directives by notarized deed?

A notary is a legal professional. The notary's role is to advise you in the preparation of the legal document that will contain your advance medical directives.

### The notary:

- ensures that you have received all the information you need before preparing your directives, and that you are well-informed about the consequences of refusing care
- discusses your situation and needs with you, without trying to take the place of a healthcare professional
- ensures there is no conflict between wishes you have expressed elsewhere and your advance medical directives
- takes the time to answer your questions
- forwards your directives, upon your request, to the Advance Medical Directives Register and to your doctor, so they can be placed in your medical file

The notary can also direct you to a variety of different resources if you feel the need for more information about the kinds of care you wish to receive, including the consequences for longevity and your quality of life.

### A notarized deed is ideal for this because its authenticated nature makes it highly reliable.

A notarized deed guarantees:

- the identity of the appearer
- that the person is an adult and capable of consenting to or refusing certain types of medical care
- that the consent is informed and freely given without undue pressure.

## Can your directives be changed?

You can change or revoke your advance medical directives at any time.

- To change them: draw up new advance medical directives and ask your notary to forward them to the Register
- To revoke them: use the appropriate government form.

In an emergency situation, you can verbally express wishes different from those in your advance medical directives or revoke them, if you are capable of doing so.

## Did you know?

→ The medical care preferences expressed in a protection mandate, formerly called a mandate in case of incapacity, are not advance medical directives within the meaning of the *Act Respecting End-of-Life Care*. In the event of a conflict between the wishes expressed in a mandate and those expressed in advance medical directives, the latter take precedence.

## → HOW TO PREPARE

### Information to collect

- Your date of birth and provincial health insurance number
- A list of medical resources you have consulted before going to your notary (e.g., healthcare professional consulted, websites, brochures, etc.)
- Any other information requested by your notary

### Food for thought

- What kinds of care do you agree to receive? In what clinical situations do you agree to receive them?
- What kinds of care do you refuse to receive? In what clinical situations do you refuse to receive them?
- Would you agree to receive a treatment that would prolong your life but compromise your quality of life?
- Would you choose not to receive treatment, even if this could hasten your death?
- What effect will your choices have on your family and loved ones?