

Hospitals have a Consent and Capacity Board— a Provincial Panel Appointed under the *Health Consent Act*, to be the final decider in Doctor-family disputes in life and death situations.

When you least expect it, you may be fighting against this Board to prevent a hospital from pulling the plug. This Board has the mandate of trying to determine what the patient would have chosen themselves, IN THEIR PRESENT CONDITION (given quality of life, pain etc).

One does not need much imagination to envision how a secular board appointed by the provincial government, in these times of spiraling health care costs and deteriorating value placed on human life, would rule.

The current status and LAW allows the Health Consent and Capacity Board to call a meeting to hear the case and decide with a 6 hour window for providing evidence (family and doctors) as to whether or not the patient would choose to continue life or be “unplugged”.

Based on the stated desire of some Doctors to go ahead and terminate the life of a number of patients if they determine “brain death” it is incumbent on each and every one of us to protect ourselves from dying on someone else’s terms.

The “Power of Attorney for Personal Care and Statutory Declaration” form was prepared with the tireless input of over 5 lawyers (some expert in the field), doctors, Echo, other health care providers, Agudas Yisroel in the U.S. as well as other Rabbinical bodies, as well as key Rabbeim in our city. It has met with the input and approval of the Vaad HaRabbonim of Toronto, being that it addresses all the potential Halachic as well as legal issues in a sensitive manner.

The form covers the wide spectrum of communal needs. It was originally conceived in rough form and for three months, was used to help preserve the life of Avi Silver Z'L, a 25 year old Bochur who passed from this world. Another young Bochur, Shalom Ouanounou is now fighting for his life physically and legally because his wishes need to be determined.

Given that a catastrophe, Chas v'Shalom, could occur suddenly to anyone, all members of the community over the age of 16 are strongly urged to sign the form in all its parts. There are several Lawyers in our community who are willing to notarize the form at no charge. One should keep all of your family's forms together in a safe place. Many Rabbonim are willing to volunteer as religious consultants on your behalf if you designate them.

This document brings no guarantees. This document, even at its best, can only serve as a means of influencing the Consent and Capacity Board to understand how you would decide, if you could, with regard to termination of your life. As such, it cannot guarantee the result you would want to see, but it is a strong statement of your wishes.

Furthermore, should the Consent and Capacity Board rule against the wishes of your family or your Attorney for Personal Care, the case can be appealed to the Divisional Courts with the Doctors having to maintain life during the Appeals process. **THE APPEALS PROCESS DOES NOT ALLOW FOR THE INTRODUCTION OF NEW EVIDENCE.** As such, the only evidence heard, even at the Supreme Court level would be that introduced at the very beginning (at the Consent and Capacity Board).

Having this form signed, notarized and presented to both the Doctors and the Consent and Capacity Board (in the case of a dispute) is the best assurance that your wishes will be heard in the higher courts as well. If one is unprepared, the six hour minimum period for submission of evidence, could very well, Chas v' Shalom kill him or her.

Many Rabbonim and the Vaad of the City urge you to sign, notarize and safely store this document. Please make sure that your power of attorney knows where the document is. It could be a life-saver.