

Frequently Asked Questions

On December 28, 2017, the new *Adult Capacity and Decision-making Act* and *Regulations* will come into effect. This new legislation applies to adults who may not be able to make some decisions for themselves because of a learning disability, mental health problems, brain injury, or other reasons. This law allows another person to make some important decisions for them.

Does this Act replace existing legislation?

Yes. The new act replaces the *Incompetent Persons Act*.

What is the major change?

Currently under the existing legislation, only physicians and psychologists are authorized to conduct competence or capacity assessments. Under the new *Act* and *Regulations*, other health care professionals will be authorized to conduct capacity assessments as long as they have completed the necessary training and education.

When will the training begin?

Specific training allowing other professionals to conduct capacity assessments will be developed in 2018 by the Public Trustee's Office.

Are licensed practical nurses (LPNs) eligible to complete the additional training?

At this time, LPNs are not eligible to complete the training and are therefore not authorized to conduct capacity assessments. They are however, authorized to continue to perform assessments of the client's day-to-day capacity as it relates to the provision of nursing services (e.g., determining if the client understands care instructions or, is able to make decisions about how and when they would like their care to be provided)

What does this mean for registered nurses (RNs) and nurse practitioners (NPs)?

RNs and NPs are eligible to complete the capacity training when it becomes available in 2018. Once the training is complete, they will be authorized to conduct capacity assessments.

How will this impact my practice?

If you work in a practice setting where capacity assessments are completed, you should review your employer's policies regarding the professionals authorized to perform these assessments. If no policy exists, you can demonstrate professional leadership and advocate for the development of one.

Where can I get more information?

For further information related to the *Adult Capacity and Decision-making Act* and *Regulations*, [click here](#) to visit the website of the Public Trustee's Office and [click here](#) to review the regulations.

Still have a question? Email a professional practice consultant at practiceconsultant@clpnns.ca.
