

DETERMINATION OF “VULNERABLE PERSON” POLICY AND GUIDELINES

Introduction:

Part IV of **The Vulnerable Persons Living with a Mental Disability Act** provides for the appointment of a substitute decision maker for a ‘vulnerable person’ when there are decisions required that the vulnerable person is not capable of making on his/her own or with the involvement of his/her support network.

Vulnerable Person – by definition in **the Act** means: an adult living with a **mental disability** who is in need of assistance to meet his or her basic needs with regard to personal care or the management of his or her property.

Mental Disability – by definition in **the Act** means: **significantly impaired intellectual functioning** existing concurrently with **impaired adaptive behaviour** and **manifested prior to the age of 18 years**, but excludes a mental disability due exclusively to a mental disorder as defined in Section 1 of **The Mental Health Act**.

A determination about whether a person meets the definition and can be considered a ‘vulnerable person’ within the meaning of **The Act** will be informed by qualified and verified information. This Policy outlines the information required.

Determining “Vulnerable Person”

Significantly impaired intellectual functioning:

The presence of significantly impaired intellectual functioning within the meaning of ‘mental disability’ as defined by statute is deemed to exist if a qualified clinician provides a clinical conclusion, with no reservations, and which is based on the results of an assessment conducted using standardized individually administered intelligence tests. The said testing will have been administered after the person was 15 years of age; and the assessment report will include the scores and the interpretation of the derived scores from the testing. Abbreviated versions of intelligence testing tools will not be accepted.

In cases where the person is deemed to be ‘untestable’, a written opinion by a qualified clinician confirming that this is the case and providing an opinion on the presence of significantly impaired intellectual functioning, may be considered acceptable.

For the sake of this policy, Registered Psychologists and School Psychologists are considered qualified clinicians.

Impaired Adaptive Functioning:

The presence of impaired adaptive functioning will be based on reliable information from those involved with the person who have direct and substantial knowledge of the person's level of limitation in personal and social self-sufficiency. The information provided will need to be in sufficient detail to permit a reasonable conclusion about a person's inability to achieve behavioral norms that would be expected for age and cultural group. Where information provided is incomplete or ambiguous, the results of an adaptive behavior assessment by a trained professional using an adaptive skills assessment tool will be required.

For the sake of this policy a Psychologist or behavior specialist are considered trained professionals.

Manifested Prior to the Age of 18 Years:

Where not otherwise verified, the presence of significantly impaired intellectual functioning existing concurrently with impaired adaptive behavior prior to the age of 18 years will be confirmed by other reliable documentation obtained from the persons' records or other individuals who have personal knowledge of the person's developmental history.