



Citizens' Representative Message

On March 24th, our Office, in association with the Seniors' Resource Center (NL), held a panel discussion on the topic of Enduring Powers of Attorneys (EPAs). An EPA is a legal tool which permits a person who is concerned about the future management of their financial affairs (a donor) to appoint another person (an attorney) to manage those affairs in case of the donor's incapacity. On occasion, vulnerable adults, including seniors, can be victimized by unscrupulous family members or associates who cause them to execute an EPA which is not in their best interests.

Our panel discussion was moderated by Dr. Gail Wideman from the School of Social Work at Memorial University of Newfoundland. As a panelist, I gave a presentation about research conducted by our Office which highlighted possible amendments to our EPA legislation. John Goodland, Deputy Public Trustee from the Office of the Public Trustee discussed some of the practical problems his Office encounters with the use of EPAs. Lynn Butler, consultant, lawyer and author on the topic of wills and estates gave a practical presentation about the advantages and disadvantages of various EPA models. After the presentations a focused and informed question-and-answer session took place among the panelists and the approximately 30 attendees. Some of the potential changes to our EPA regime discussed included: requiring more than one witness for the execution of an EPA; outlining the professional qualifications of witnesses; using prescribed standard forms; and the establishment of a central registry for EPAs.

Our Office has undertaken to draft a summary paper on the findings of the panel discussion and make recommendations for change. We would like to thank once again Dr. Wideman, Mr. Goodland, Ms. Butler, and all attendees for their attendance and productive input.

THE OCR and the New ATIPPA Legislation

Under the proposed new legislation advanced by the ATIPPA review committee, records connected with the investigatory functions of the OCR and other statutory offices will remain exempt from disclosure in ATIPP requests. In addition, the head of a public body who may be in possession of such records shall also apply the exemption. This exemption serves multiple functions integral to the protection of personal information in OCR custody. It prevents ATIPP requestors from accessing personal information on problems experienced by other citizens; it further protects whistleblowers; it provides comfort to witnesses who provide confidential and candid evidence or opinions to the OCR; and it allows departments and agencies to disclose records in their entirety so a full view of the evidence can be provided by the OCR. All other aspects of the OCR's operations are subject to ATTIPPA review.



Did you know...

Simon Fraser University in British Columbia created the first campus Ombudsman office in Canada, shortly after the university opened in 1965. A student, John Mynott, campaigned and was elected for the position, which sat on the executive committee of the student council. The Simon Fraser office still exists, and is jointly funded by the university and its student unions.

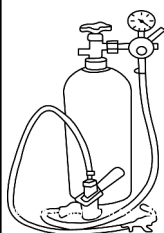
We deliver!

We have numerous presentations available for public servants and the general public, ranging from public interest disclosure, to our overall mandate, to navigating difficult complaints. Presentations are available by calling (709) 729-7647 or via email at citrep@gov.nl.ca.

Seeking Fairness

"Tanks for the Help" – Eastern Health

Provincial health authorities oversee the approval and dispersal of medical home oxygen units. Private companies make a number of different oxygen systems available for hire, and clients are approved for the appropriate system based on assessed need.



A client of the oxygen program contacted us frustrated with the process of getting approval for a portable oxygen concentrator (POC). She felt her mobility and independence were severely restricted and in effect, she could not leave her home. The oxygen concentrator she had was a home version of stationary design. The lady was approved for portable oxygen tanks (normally on a trolley or shoulder bag), however she had extreme difficulty getting the tank valves open.

Initially, Eastern Health advised that she did not meet the criteria for a POC because she was not exceeding the threshold monthly tank use (set at 16 per month). Because she was only using 12 she was deemed not to have met the criteria. Further, the authority said there was little difference between the weight and size of a POC and a shoulder bag or trolley, and her home support worker should be in a position to open the tanks for her.

Opinions diverged. While the authority stated the client had refused to utilize the portable tank system and its effectiveness could not be assessed, the client stated she was not capable to operate the system for purposes of assessment. When this point was articulated to the authority, it decided to proceed with funding for the POC.

Finding Solutions

Reasonable Requirements - Newfoundland and Labrador Housing Corporation (NLHC)

Citizens who cannot normally afford repairs to their home can apply and be assessed by NLHC for cost shared projects or grants. A man who lived alone and relied on a wheelchair for mobility contacted our Office stating that he had applied for home repairs but could not understand the delay in the commencement of work. He pointed to several problem areas in his home, including bad leaks. Our investigator briefed him on her understanding of the process and agreed to approach NLHC for more information on the case. The investigator learned there were delays in the process due to the (reasonable) requirements that the man provide proof of income, proof of home ownership and a report from an Occupational Therapist. We kept in touch with the man on a regular basis to ensure he was obtaining the right information so he could be properly assessed. A short time later the loan package was approved and the required work was completed.

Questions? Comments?

Is your department, agency or community group interested in learning more about the OCR, its services and processes? Do you have a suggestion or question to be addressed in a future edition of *Insights*? Call us at 1-800-559-0079 or (709) 729-7647, or e-mail citrep@gov.nl.ca.

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