

Summary Sheet

CONSENT TO TREATMENT / PROCEDURE(S)

Adults with Impaired Capacity and Adults who Lack Capacity

The AHS procedure can be found at: <http://www.albertahealthservices.ca/3064.asp>

For Mental Health see:

Consent to Treatment/Procedure(s) Formal Patients or Persons Subject to Community Treatment Orders under the Mental Health Act.

Who May Give Consent

For an Adult Patient with Impaired Capacity:

- An adult Patient with a Co-Decision maker as appointed by the court

For an Adult Patient who Lacks Capacity:

- An Agent named in a Personal Directive
- A Guardian
- A Specific Decision-Maker under AGTA

Specific Decision Maker

When an adult does not have the capacity to make a decision and they do not have a guardian or personal directive, a physician, nurse practitioner, or dentist (for dental care only) may choose the nearest relative* to act as a specific decision maker for a time sensitive health care decision or temporary admission/discharge for a residential facility.

*Nearest Relative is from the following list in ranked order:

- spouse or adult interdependent partner;
- adult son or daughter;
- father or mother;
- adult brother or sister;
- grandfather or grandmother;
- adult grandson or granddaughter;
- adult uncle or aunt; or
- adult nephew or niece.

Contact the Office of the Public Guardian if there is a dispute as to who should be selected or when no person meets the criteria.

Emergency Health Care

Emergency health care may be provided to adults without consent if health care is necessary to:

- preserve the adult's life; or
- prevent serious physical or mental harm to the adult; or
- alleviate severe pain

AND

The physician is satisfied that the adult:

- Lacks capacity to consent or refuse consent to the emergency healthcare due to drug or alcohol impairment, complete or partial lack of consciousness, or another cause;
- AND
- Did not previously express or retract a wish or instruction about health care that would be contrary to the provision of emergency health care.

Before providing the health care, the physician when practicable shall obtain a written opinion from a second physician OR nurse practitioner OR registered nurse that the situation meets the conditions for providing emergency health care.

Note: If time allows, the physician should seek consent of an alternate decision maker (e.g., if the adult is known to have a guardian or agent, seek the guardian or agent's consent). Where there is no guardian, agent, or personal directive, if time allows, utilize Specific Decision Making to seek consent for health care.

Disclaimer

This summary sheet is intended to be a guide and is not to replace the content of the AHS policy Consent to Treatment/Procedures(s) and its five related procedures or legal advice. Examples herein are for illustrative purposes only; the application of the AHS policy/procedures and legislation may vary depending on circumstances unique to each situation. Readers are encouraged to view the policy/procedure documents and legislation directly and should consult Clinical Policy {Clinicalpolicy@albertahealthservices.ca} if in need of clarification.