

Summary Sheet

Consent to Treatment/Procedure(s) Adults With Capacity

Capacity

An Adult Patient is presumed to have Capacity and is able to make decisions until the contrary is determined. Capacity for a particular Patient can change depending on changes to mental and physical health. The Adult Patient's entitlement to make decisions should be supported.

Consent Requirement

- The Patient is over the age of eighteen (18) years, and has Capacity
- Before a treatment or procedure is provided, there must be Express or Implied Consent, unless a valid exception applies
- An adult patient with Capacity may choose to select a supported decision maker according to the *Adult Guardianship and Trusteeship Act*
- Express written consent is required for the transfusion of blood and blood products, except in an Emergency situation.
- Additional Treatment/Procedure(s) that have nothing to do with the original Treatment/Procedure(s), must not be performed without prior consent except in the case of an emergency.

Exceptions To Consent For Adults With Capacity

- **Emergency Healthcare**
If the Patient requires emergency health care and has Capacity and is able to participate, the Most Responsible Health Practitioner should proceed with the Consent Process as outlined in the procedure, where practical, given timing and safety considerations.
- **Exceptional Circumstances** The requirement for Informed Consent may be overridden by a warrant, subpoena, court order or according to applicable legislation (for example: treatment order under the *Mental Health Act*; orders under the *Public Health Act*; orders under the *Mandatory Testing and Disclosure Act*).

Consent Process

There are five steps to the process:

1. Determining Capacity
2. Providing relevant information
3. Verifying understanding and answering questions
4. Decision-making
5. Documenting the consent process and outcome

Refusal Of Treatment/Procedure

A Patient with Capacity may refuse a Treatment/Procedure(s) on any grounds, even when it is clear that the Treatment/Procedure(s) is necessary to preserve their life or health. The Most Responsible Health Practitioner shall respect the wishes of the Patient and the Treatment/Procedure(s) shall NOT be carried out, even if failure to provide such a treatment may result in the Patient's death.

Disclaimer

This summary sheet is intended to be a guide and is not to replace the content of the AHS policy Consent to Treatment/Procedure(s) and its 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 Professional Practice Consultation Service {practice.consultation@ahs.ca} if in need of clarification.