

Leamington Mennonite Home
Retirement Residence

POLICY AND PROCEDURE

CATEGORY: Administration	SUBJECT: Consent	SECTION: C POLICY: 15
DATE: September 2004 REVISION DATE: February 2017	Administrator's Signature: _____	

CONSENT

POLICY:

The Health Care Consent Act of 2010 exists to ensure that consumers of health care make their own health care decisions. The Public Guardian and Trustee may act as a substitute decision maker of last resort for incapable individuals.

The Substitute Decisions Act allows individuals to appoint a substitute decision maker to act when they become incapable of making their own decisions related to property, personal care, or both.

The basic requirement under the Health Care Consent Act is that the health practitioner must obtain consent from clients prior to administering treatments / procedures, admitting someone to a care facility or providing personal assistance services.

Informed Consent is consent given for a treatment or course of treatment for which, before giving it, the client receives information that a reasonable person in the same circumstances would require to make the decision and has the opportunity to ask questions and receive answers. Information to be included is the nature of the treatment, the expected benefits, the material risks and side effects, alternative courses of action, and the likely consequences of not having the treatment.

Consent may be expressed or implied by the person's behaviour and apparent willingness to undergo the treatment, following the provision of information, as stated above. A valid consent must:

- relate to the treatment being proposed
- be informed
- be voluntary
- not be obtained through any misrepresentation or fraud.

Identification of Substitute Decision Makers (SDM)

The following list shows the hierarchy/ranking order of persons who can give or refuse consent to treatment, treatment plans, admission, personal assistance services and personal assistance plans on behalf of an incapable persons behalf under the HCCA:

- Guardian of the Person

- Power of Attorney - Personal Care (POAPC)
- Representative Appointed by Consent Capacity Board
- Spouse/Partner
- Child/Parent
- Parent with only 'right of access'
- Sibling
- Other Relative
- Public Guardian and Trustee (PGT)
- Last resort decision maker (i.e. if there is nobody else or if evenly ranked SDMs disagree).

An SDM must be:

- Capable
- At least 16 years old
- Available
- Willing to assume the responsibility

Note:

- Relatives can be by marriage or adoption but cannot be a divorced Spouse.
- Disagreements between the same rank SDM are decided by the PGT.
- A Power of Attorney for Property or statutory guardianship or court appointed guardianship allows for substitute decision making in relation to property and finances for clients who are incapable of making these decisions. (Note: Other informal mechanisms for property management include joint bank accounts or the appointment of a trustee to administer CPP/OAS benefits on behalf of the incapable recipient).