

# Consent to Treatment



## WHAT IS CONSENT TO TREATMENT OR REFUSAL OF TREATMENT?

Consent is when you agree to a treatment. Refusal of treatment is when you say you do not want that.

At West Park, we believe that it is important for you to have a say in what happens to you when you are capable (or 'mentally able') to make a treatment decision. A Substitute Decision Maker (SDM) makes decisions for you when you are not capable. Health care team members have a legal duty to ask for consent from you or your SDM before a treatment or a plan of care is started.

## WHAT IS INFORMED CONSENT?

Informed consent is when you agree to have treatments after getting the information you need.

To make an informed decision, you need to know about your current health condition and the treatment options. It is your right to get details of the tests or treatments such as:

- the benefits
- the harms and any side effects
- any other choices
- what would likely happen should you refuse the options.

Health care team members must also answer any questions you have about the treatments.

## WHO IS CAPABLE TO GIVE CONSENT TO A TREATMENT?

You are capable (or 'mentally able') to decide about a treatment when you are BOTH:

- **able** to understand the information about the treatment AND
- **able** to see how the treatment or non-treatment affects your life and well-being.

## IS THERE AN AGE OF CONSENT?

There is no minimum age of consent in Ontario. If the person is capable, as described above, they are able to consent (or refuse to consent) to a treatment or plan of care.

It is your right to ask for more information and to get answers.

## Informed Consent

Kai's wound is not healing, and they must decide about another surgery.

When Kai and their partner meet with the doctor, the doctor talks about the benefits and harms of having the surgery. The doctor also describes the other options.

Kai talks to their partner and friends about all the information. Kai also prepares a list of questions and asks to talk to the doctor again.

After the meeting, Kai feels they have all the information to make a decision. Kai decides to agree to the surgery and gives consent.

### DO I GIVE CONSENT FOR EACH PROPOSED TREATMENT OR SERVICE?

Yes, your consent is needed for each proposed treatment or service. You need to hear about how it might help you, the harms, the benefits, and about the choices offered by the health care team member. Some decisions are harder to make than others. It is a good idea to get support from people you trust.

If you are not capable to decide, then your Substitute Decision Maker (SDM) will decide for you. Please see our information sheet about 'Substitute Decision Making.'

### WHEN CAN TREATMENT BE GIVEN WITHOUT CONSENT?

In an Emergency situation, it may not be possible to get your consent and the health care team may need to give you treatment without consent. An emergency is when you need immediate life saving treatment, or you are suffering a great deal.

The health care team will still try to find and call your SDM to make a decision about treatment.

### ONLINE RESOURCES:

Health Care Consent Act: <https://www.ontario.ca/laws/statute/96h02>

Speak up Ontario workbook for Advance Care Planning:  
<https://www.speakupontario.ca/resource/acp-workbook-en/>

This guide provides general information about the current law in this subject area. However, legal information is not the same as legal advice, where legal advice is the application of law to an individual's specific circumstances. Although we have tried to make sure that the information in this guide is accurate and useful, we recommend you consult a lawyer if you want professional legal advice in this subject area that is appropriate to your particular situation.