



## Can an individual refuse to consent to treatment?

Individuals may refuse to consent to a proposed treatment or plan of care, even if this decision does not appear to be in their best interests. If a capable individual refuses to consent to treatment, even if it is life-sustaining, it should not be provided. Prior to withholding the treatment, every effort should be made to ensure that the individual understands the nature of the treatment decision and appreciates the consequences of the decision.

## When must consent be obtained?

According to the *Health Care Consent Act 1996*, consent is required for:

Anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose, and includes a course of treatment, plan of treatment or community treatment plan.

## When is consent not required?

The *Health Care Consent Act 1996* indicates that consent may be waived in case of an emergency (defined as a situation in which the person is experiencing severe suffering or is at risk of sustaining serious bodily harm).

## Online resources include:

More information about informed consent can be found on the following websites:

**Consent and Capacity Board of Ontario**  
[www.ccboard.on.ca](http://www.ccboard.on.ca)

**Health Care Consent Act**  
[http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/96h02\\_e.htm](http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/96h02_e.htm)



# Informed Consent to Treatment

## Regional Ethics Program

Phone: (905) 845-2571 x6165  
E-mail: [mcampbell@haltonhealthcare.com](mailto:mcampbell@haltonhealthcare.com)  
Address: Halton Healthcare  
3001 Hospital Gate  
Oakville, ON  
L6M 0L8

Phone: (905) 848-7580, x3811  
E-mail: [ethics@trilliumhealthpartners.ca](mailto:ethics@trilliumhealthpartners.ca)  
Address: Trillium Health Partners  
100 Queensway West  
Mississauga, ON  
L5B 1B8

***A patient's kidneys are failing and a decision about whether or not to begin dialysis needs to be made soon.***

***Breast reduction surgery has been offered to a patient as a treatment option for her chronic back pain and discomfort.***

***Although twice daily dressing changes have been ordered for a patient, he consistently refuses his evening dressing change.***

### **What is informed consent?**

In each of the above situations, before a treatment is started, the informed consent or permission of the patient is needed to carry out the prescribed or recommended treatment or plan of care.

According to the Health Care Consent Act 1996, a consent to treatment is informed if, before giving it, the person received the information...that a reasonable person in the same circumstances would require in order to make a decision about the treatment; and the person received responses to his or her requests for additional information about those matters.

### **What are the elements of consent to treatment?**

According to the Health Care Consent Act 1996, the following elements are required for consent to treatment.

1. The consent must relate to the treatment (consent for one particular treatment does not necessarily imply consent for any other treatment);
2. The consent must be informed (the kind of information that should be given is described below);
3. The consent must be given voluntarily (an individual should not feel coerced or pressured into making a particular decision); and
4. The consent must not be obtained through misrepresentation or fraud (the information given should be accurate and unbiased).

### **What information needs to be provided?**

The Health Care Consent Act 1996 outlines the type of information that needs to be provided as follows:

1. The nature of the treatment;
2. The expected benefits of the treatment;
3. The material risks of the treatment;
4. The material side effects of the treatment;
5. Alternative courses of action; and
6. The likely consequences of not having the treatment.

### **What are the prerequisites to informed consent?**

A person must be capable of providing informed consent. Unless one has reasonable grounds to believe that an individual is incapable, there is a presumption of capacity.

According to the *Health Care Consent Act 1996*, a person is capable with respect to a treatment if the person is:

- (a) Able to understand the information that is relevant to making a decision about the treatment; and
- (b) Able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.

Decision-making capacity may vary according to the complexity and seriousness of the proposed treatment. Capacity may also vary across time due to the individual's underlying physical and psychological condition (e.g., dementia, depression) or treatment that he/she is receiving (e.g., sedation).

There is no minimum age of consent in Ontario. If the individual is capable as described above, he/she is able to consent (or refuse to consent) to a treatment or plan of care.