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In this information sheet we talk about consent and:

- 
- Your rights
 - There is no age of consent
 - What is informed consent
 - A story to show why it is important to think about who is mentally capable to consent to treatment
 - What happens in an emergency
 - Resources

Your right to have a say in what happens to you

Michael Garron Hospital and its health care providers respect the rights of patients to dignity and to make decisions affecting their lives. These patient decision-making rights are set out in the Health Care Consent Act, case law and professional guidelines. We work to support you to have a say in what happens to you.



Health care team members have a legal duty to provide all the information you need and to ask for consent before a treatment or a plan of care is started. When you are not mentally capable to make a treatment decision, we ask your Substitute Decision Maker (SDM) to make the decision for you.

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



There is no age of consent

It depends on your mental ability to make a decision.



What is informed decision making?

Informed decision making for treatment is when you get all the information you need before you decide.

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To make an informed decision, you need to know about your current health condition and the treatment options. You need to hear about how each option might help you. That is, you need to hear about the harms and benefits for the choices offered.

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.

You may ask for support from people you trust when you make decisions.

A Story

Kai's wound is not healing, and they must decide about another surgery. Kai meets with the doctor to talk about the benefits and harms of surgery. The doctor also describes the side effects of the surgery and other options.

The doctor sees that Kai is remembering the information, asking questions and thinking about their wellbeing and quality of life with each option. Kai talks to their family 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. During their conversation, the doctor sees that Kai is mentally able (or 'capable') to make the decision.



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Who is capable to give consent to a treatment?

A capable person gives consent. If a person is not capable, then their SDM gives consent.

You are mentally capable to decide about a treatment when you are BOTH:

- able to understand the information about the treatment (that is, you have the memory to think about and work with the information)
and
- able to be aware of (appreciate) the options and consequences of the decision (that is, you see how the treatment or non-treatment will affect your life and wellbeing).



We will ask you to weigh and compare your options. We will ask why you think some are better for you than others.

Decision-making capacity may be different depending on the proposed treatment. Some decisions are easier, like when to start physiotherapy. Other decisions are harder, like which type of surgery you should have. Capacity may also vary over time because of underlying physical and psychological conditions (e.g., dementia, depression) or treatment (e.g., sedation).

If you are not mentally capable to decide, then your Substitute Decision Maker (SDM) will decide for you.

Do I give consent for each proposed treatment or service?

Yes, we need your consent for each proposed treatment or service. You may be asked to give consent to a group of treatments, which we call a treatment plan.



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What happens in an emergency?



In an emergency situation, it may not be possible to get your consent. The health care team may need to go ahead and give your treatment. 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 speak to your SDM to make a decision about treatment.

Who can I ask for help?

This guide provides general information about the current law in this subject area. Always speak to your doctor and health care team if you have questions.



If you want legal help, speak to a lawyer about your specific circumstances. You may consider getting legal help from:

- Legal Aid Ontario which provides legal assistance for low-income people <https://www.legalaid.on.ca/>
- Advocacy for the Elderly (if you are 65 years or older) <https://www.ancelaw.ca/>
- ARCH Disability Law Centre (if you have a disability) <https://archdisabilitylaw.ca/>

Here are some online resources:

- Advance Care Planning Ontario <https://www.advancecareplanningontario.ca/>
- Consent and Capacity Board <http://www.ccboard.on.ca/>

Other information sheets available at MGH are on the topics of:

- **Capacity**
- **Substitute Decision Making**
- **Power of Attorney**