

August 1996

HEALTH CARE CONSENT ACT GUIDELINES

The *Health Care Consent Act* requires members of a regulated health profession to follow the guidelines of their College with respect to the information to be provided to incapable clients about the consequences of the finding of incapacity. The College of Midwives has developed the following guidelines to assist members in discussion with incapable clients.

The midwife should always inform a client of the finding of incapacity and its consequences. If the client is incapable of understanding the information, due to age or mental condition, the midwife may decide not to inform the client of the finding of incapacity.

When informing a client of a finding of incapacity the midwife should provide the following information:

- the midwife believes the client is not capable of making the decision to consent or refuse consent to the proposed treatment;
- that someone else is making decisions on the client's behalf;
- the name of the substitute decision-maker who is making treatment decisions on the client's behalf.

If the client objects to the finding of incapacity the midwife should inform the client about the right to appeal the finding of incapacity to the Consent and Capacity Review Board.

If the client objects to the identity of the substitute decision-maker, the midwife should inform the client that another person can be appointed by the Consent and Capacity Review Board.

If the client requests assistance in exercising her rights to go to the Consent and Capacity Review Board, the midwife should provide the client with information provided by the Board, including a phone number.

All information should be communicated to the client in a manner that the client is likely to understand. It is acceptable to provide all information orally; however, appropriate documentation should be made in the client's records.

*College of Midwives of Ontario
Title
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2