

Guideline G-002
Executive Committee
Approved by Council: May 24, 1996

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic practice, the legislation governs.

Intent

To provide members with direction concerning information to be provided to incapable patients.

Guideline

Members of a regulated health profession are required to follow the guidelines issued by their College with respect to the information they provide to incapable patients about the consequences of a finding of incapacity.

Procedure

The *Health Care Consent Act* is now in force, replacing the *Consent to Treatment Act*. CCO Council has approved the following guidelines:

When should a member inform an incapable patient of the finding of incapacity and its consequences?

1. As a general principle, whenever a member makes a finding of incapacity about a patient, the patient should be informed of the finding and its consequences.
2. A member may decide not to inform the patient where, in the member's professional judgment, the patient is incapable of understanding the information because of age or mental condition.

When the member is informing the patient, what information should be given to the patient and in what manner?

1. The member should inform the patient that:
 - the member believes the patient is not capable of making the decision to consent or refuse consent to the proposed treatment; and
 - the name of the substitute decision-maker who is making treatment decisions on the patient's behalf.

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2. If the patient objects to the finding of incapacity, the member should inform the patient that he/she may appeal to the Consent and Capacity Review Board.
 3. If the patient objects to the particular substitute decision-maker, the member should inform the patient that another person can be appointed by the Consent and Capacity Review Board.
 4. The information should be communicated to the patient in a manner the patient is best able to understand; for example, using simple language or providing a written information sheet.
 5. It is acceptable to provide the information orally. It is advisable to make a note of the discussion in the patient record.