COTBC Webinars
Today’s session will start shortly

Obtaining Consent

Welcome!
• Participants are placed on mute.
• Please type your questions in the chat box.
• Sessions are recorded and posted within 24 hours.
• Please complete the evaluation.

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Obtaining Consent

Today’s speaker....

Andrea Bowden
Practice and Policy Consultant
Today’s Session

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<td>Consent Highlights - what is it, who provides it, what are its key elements, how capability is determined, and documentation considerations</td>
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- Dignity and Worth
- Individual Autonomy
- Honesty and Transparency
• Adults

• Describes:
  ❖ That consent must be obtained (and any exceptions)
  ❖ What constitutes valid consent

• Updated in 2011 with info re: Advance Directives and Temporary Substitute Decision Makers
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Infants Act (Part 2, Section 17)

- Individuals under 19
- Describes:
  - When an ‘infant’ can consent to own health care.
  - What the health care provider must do to ensure consent is valid.

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Mental Health Act

- Regulates the admission, detention, and treatment of patients to mental designated health facilities and units.
- Voluntary and involuntary admission.
- Special provisions for clients under 16 years of age

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What is consent?

A “contractual agreement whereby a client agrees to submit to certain interventions or procedures to be carried out by the occupational therapist, who in turn agrees to perform the specified intervention or procedures within the limitation and under the conditions set down by both parties”

- Obtaining Consent Guideline
The process of obtaining consent involves:

- Establishing trust
- Promoting client involvement
- Respecting self-determination
- Enabling client’s informed decisions
- Respecting client representation
- Advancing safe, ethical, competent care

Who gives consent?
The client directly gives consent, except when:

- OT determines client is incapable and, instead, obtains consent from a committee, representative, advance directive, or temporary substitute decision maker (TSDM)
- If none of the above are available, then the OT must contact the Public Guardian and Trustee (PGT)
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What about in Emergencies?

• Needed to preserve life, prevent harm or alleviate pain
• Impaired or is unconscious/semi-conscious
• Does not have a personal guardian or representative
• Second health care provider confirms opinion
• No reasonable grounds to believe that, while capable, adult expressed wish to refuse consent

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Committee

• Court-appointed
• Under Patient’s Property Act – for health related decisions

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Representative

• Client made a representation agreement in advance for in event incapable.
• Under the Representation Agreement Act
• Agreement specifically names the representative
Advance Directive

- written instruction
- made by a capable adult
- gives or refuses consent to health care for the adult in the event they are not capable of giving instruction at the time the health care is required.

Temporary Substitute Decision Maker (TDSM)

Must be:
- 19 years or older
- In contact within last 12 months
- No disputes
- Capable of giving, refusing, or revoking substitute consent
- Willing to comply with duties

Temporary Substitute Decision Maker (TDSM)

- Spouse
- Child
- Parent
- Brother/sister
- Grandparent
- Grandchild
- Anyone else related by birth/ adoption
- Close friend
- Immediately related by marriage
A scenario...

- Spouse
- Child
- Parent
- Brother/sister
- Grandparent
- Grandchild
- Anyone else related by birth/adoption
- Close friend
- Immediately related by marriage

Public Guardian and Trustee (PGT)

- When none of the above are available
- When none of the above are qualified
- When there is a dispute between two equally ranked substitutes that cannot be resolved

Elements of Valid consent

- Related to proposed OT services
- Given voluntarily
- Not obtained by fraud or misinterpretation
- Person is capable of making a decision to give or refuse consent
Elements of Valid Consent cont.

• OT gives the individual the info a reasonable person would require to understand the proposed health care and to make a decision, including:
  - Condition for which it is proposed
  - The nature of the proposed care
  - Risks and benefits
  - Alternatives, and
• Person has opportunity to ask questions and get answers.

How do I determine capability to give consent?

A client is capable of giving consent if they are able to:

• understand the information that is relevant to making a decision regarding services, including how it applies to his/her situation.

• appreciate the reasonable foreseeable consequences of a decision or lack of decision.

Documenting Consent

Reflect the consent process and include:

• confirmation that criteria for valid consent were met
• when/how consent was obtained
• any concerns raised and how they were addressed
• Reasons for refusal/withdrawal
Summary

• Draw upon our ethical framework
• Refer to the appropriate legislation
• Assume capability unless evidence to the contrary
• Document

Is blanket consent good enough?
How do I obtain consent with minors?

How does the Mental Health Act impact obtaining consent?

So... I have tried to obtain consent....
Thank you for listening… Questions?

• Please fill out the evaluation.
• Recording will be available in 24 hours
• Additional questions? Email practice@cotbc.org
• Join us on @OCollegeBC

Upcoming Webinars

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