

# COTBC Webinars

Today's session will start shortly

Obtaining Consent

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 QUALITY PRACTICE WEBINARS

## 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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 QUALITY PRACTICE WEBINARS

## Obtaining Consent

Today's speaker....

Andrea Bowden  
Practice and Policy Consultant



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Today's Session

	Timing
Introductions	12:00 -12:05
Guiding Documents/Legislation	12:05-12:10
Consent Highlights - <b>what</b> is it, <b>who</b> provides it, <b>what</b> are its key elements, <b>how</b> capability is determined, and documentation considerations	12:10 - 12:20
Hot Topics	12:20 - 12:30
Questions and Answers	12:30 - 12:40
Wrap-up	12:40 -12:45

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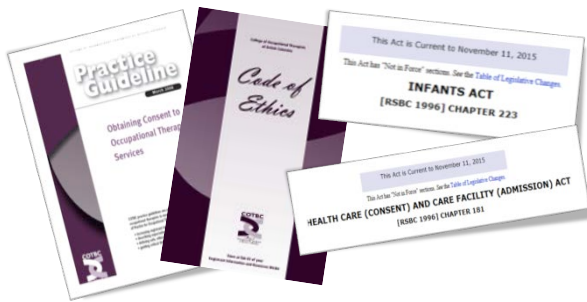
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- Dignity and Worth
- Individual Autonomy
- Honesty and Transparency




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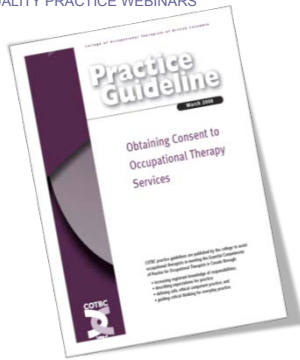
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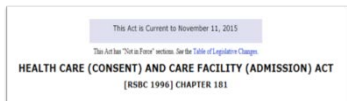
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Health Care (Consent) and Care Facility (Admission) Act



- **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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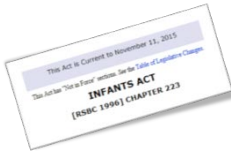
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### Infants Act (Part 2, Section 17)



- **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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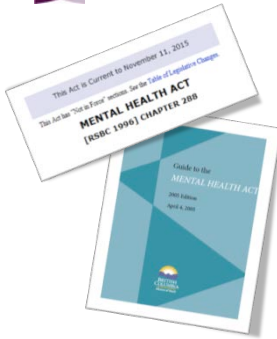
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### Mental Health Act



- 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*

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### 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

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### Who gives consent?

The **client** directly gives consent, except when...



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### Who gives consent?

- The **client** directly gives consent, unless:
  - ❖ 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

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### 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.

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### 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

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### Temporary Substitute Decision Maker (TDSM)

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

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### A scenario...

- 1 • Spouse
- 2 • Child
- 3 • Parent
- 4 • Brother/sister
- 5 • Grandparent
- 6 • Grandchild
- 7 • Anyone else related by birth/adoption
- 8 • Close friend
- 9 • Immediately related by marriage

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### 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

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### 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

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### 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**.

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### 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.

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### 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




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Summary

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



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OBTAINING CONSENT



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Is blanket consent good enough?



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### How do I obtain consent with minors?



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### How does the *Mental Health Act* impact obtaining consent?



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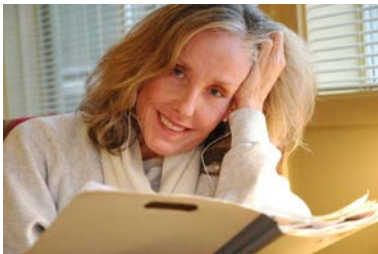
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### So... I have tried to obtain consent....



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### THANK YOU FOR LISTENING... Questions?

- Please fill out the evaluation.
- Recording will be available in 24 hours
- Additional questions? Email [practice@cotbc.org](mailto:practice@cotbc.org)
- Join us on     
@OTCollegeBC

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### Coming up!

Quality Practice Series	Date/Time	Exam Prep Series	Date
Obtaining Consent	Dec 3, 2015	Question and Answer Session	Jan 7, 2016
Professional Boundaries	Dec 17, 2013	Navigating the Online Environment	Jan 14 or 21 (to be confirmed)

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