COMMUNITY LIVING VICTORIA

6.06 VALID CONSENT

PURPOSE

To ensure that individuals are encouraged to participate in and make decisions affecting their lives.

DIRECTIVE

Presumption of capability (1) Until the contrary is demonstrated, every adult is presumed to be capable of making decisions about their lifestyle, health care and financial affairs.
(2) An adult's way of communicating with others is not grounds for deciding that he or she is incapable of making decisions.

Valid consent will be obtained from an individual and/or their representative if applicable, when a significant decision is being made that may impact their life.

PROCEDURE

Every individual has the right to be informed about and make decisions that affect their life. In order to make a valid and informed decision, a person must be made aware of all information pertaining to the decision and the potential risks and benefits involved. The decision must be voluntary and made without coercion, persuasion or influence of power.

When there is some doubt as to whether the person has the capacity to understand, then concurrent consent must be sought. Concurrent consent refers to the individual and their substitute decision-maker or representative jointly making a decision.

When a person is unable to make their own decisions, then substitute consent must be sought. Substitute consent refers to a third party being given the responsibility of giving consent in place of and for the person. This can only be done when a person has been declared legally incompetent and they have been assigned a committee who makes all of their decisions for them or where individuals have a Representation Agreement identifying their legal representative.

When consent is required for the purposes of health care (defined as health-related treatment or advice from a licensed health care provider), employees are referred to the

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Date Revised: May 2006, Oct. 2010, Apr. 2013, June 2015, Nov 2015, Jan 2017, July 2018, May 2019, June 2020, September 2021, July 2022
References: Adult Guardianship Legislation
Authorization: Executive Director

Health Care (Consent) and Care Facilities Admissions Act to determine how these laws facilitate consent to health care for adults with intellectual disabilities.

In the event that a person does not have a Temporary Substitute Decision Maker contact:

Health Care Decisions
Public Guardian and Trustee of BC
Toll free Ph: 1.877.511.4111
Local Ph: 604.660.4507
Toll free Fax: 1.855.660.9479
Fax: 604.660.9479
Email: **AIS-HCD@trustee.bc.ca**

Hours of Operation: Monday to Friday, 8 am - 5 pm.

Weekends and Holidays, 8 am - noon.

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