

STANDARDS OF PRACTICE

Informed Consent

Under Review: No

Issued By: Council: January 1, 2010

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The *Standards of Practice* of the College of Physicians & Surgeons of Alberta (“CPSA”) are the **minimum** standards of professional behavior and ethical conduct expected of all regulated members registered in Alberta. Standards of Practice are enforceable under the *Health Professions Act* and will be referenced in the management of complaints and in discipline hearings. CPSA also provides *Advice to the Profession* to support the implementation of the Standards of Practice.

1. A regulated member **must** obtain a patient’s informed consent¹ prior to an examination, assessment, treatment or procedure; such consent may be implied, expressed orally or in writing as appropriate.
2. If a patient is under the age of 18 years, a regulated member **must**:
 - a. determine whether the patient is a mature minor with the capacity to give informed consent¹; and
 - b. if the patient is not a mature minor, seek informed consent from the patient’s legal guardian, in accordance with legislation¹.
3. If an adult patient lacks capacity to give informed consent, a regulated member **must** seek informed consent from the patient’s legal guardian or substitute decision maker, in accordance with legislation¹.
4. A regulated member who has reasonable grounds to believe an informed consent decision by a legal guardian or substitute decision maker is not in the best interests of the patient **must** seek legal advice, such as from the [Canadian Medical Protective Association](#), or advice from CPSA.
5. A regulated member obtaining informed consent from a patient, or the patient’s legal guardian or substitute decision maker, **must** ensure the decision maker:
 - a. is aware of his/her right to withdraw consent at any time;
 - b. is free of undue influence, duress or coercion in making the consent decision;

¹ See CPSA’s Advice to the Profession: [Informed Consent for Adults](#) and [Informed Consent for Minors](#).

Terms used in the Standards of Practice:

- “Regulated member” means any person who is registered or who is required to be registered as a member of this College. The College regulates physicians, surgeons and osteopaths.
- “Must” refers to a mandatory requirement.
- “May” means that the physician may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient’s legal guardian or substitute decision maker.

- c. receives a proper explanation that includes, but is not limited to:
 - i. diagnosis reached;
 - ii. advised interventions and treatments;
 - iii. exact nature and anticipated benefits of the proposed examination, assessment, treatment or procedure;
 - iv. common risks and significant risks;
 - v. reasonable alternative treatments available, and the associated common risks and significant risks;
 - vi. natural history of the condition and the consequences of forgoing treatment; and
 - d. demonstrates a reasonable understanding of the information provided and the reasonably foreseeable consequences of both a decision and a failure to make a decision.
6. A regulated member who assesses the capacity of a patient to give informed consent **must**:
- a. use accepted capacity assessment processes;
 - b. to the extent possible, conduct the capacity assessment at a time and under circumstances in which the patient is likely to be able to demonstrate full capacity; and
 - c. inform the patient of the nature and consequences of the capacity assessment.
7. A regulated member obtaining informed consent for a patient to participate in health research **must** comply with CPSA's [Human Health Research](#) standard of practice.
8. A regulated member **may** [delegate responsibility](#) for obtaining informed consent to another healthcare professional only when [confident the delegate](#) has the appropriate knowledge, skill and judgment to meet the expectations of this standard.

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RELATED STANDARDS OF PRACTICE

- [*Code of Ethics & Professionalism*](#)
- [*Human Health Research*](#)
- [*Medical Assistance in Dying*](#)
- [*Responsibility for a Medical Practice*](#)
- [*Restricted Activities*](#)

COMPANION RESOURCES

- Advice to the Profession:
 - [Informed Consent for Adults](#)
 - [Informed Consent for Minors](#)
 - [Legislated Reporting & Release of Medical Information](#)
 - [Medical Assistance in Dying](#)
 - [Responsibility for a Medical Practice](#)
- [Office of the Public Guardian and Trustee \(OPGT\) Resources for capacity assessors](#)
- [CMPA's Consent: A guide for Canadian Physicians](#)
- [CMPA's Informed Consent](#)

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