

Category: Physician-Patient Relationship
Under Review: No
Issued by Council: January 1, 2010
Reissued by Council: June 2016

Informed Consent

The **Standards of Practice** of the College of Physicians & Surgeons of Alberta (“the College”) 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. The College of Physicians & Surgeons of Alberta 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 consentⁱ 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 consentⁱ; and
 - (b) if the patient is not a mature minor, seek informed consent from the patient’s legal guardian, in accordance with legislation.ⁱ
- (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 legislation.ⁱ
- (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 the College.
- (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;
 - (c) receives a proper explanation that includes but is not limited to:

ⁱ See the College’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.

- (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; and
 - (vi) natural history of the condition and the consequences of forgoing treatment;
- (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 the College'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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