



FREE AND INFORMED CONSENT:

IS YOUR RIGHT!

The **Charter of Human Rights and Freedoms** guarantees the right to personal integrity.

The **Civil Code of Quebec** meanwhile states that every person is inviolable and is entitled to the integrity of his person.

These are the principles that are the fundamental basis for consent to care.

No one may be subjected to treatment without their free and informed consent.

"The right to consent to care also includes the right to refuse it."



**FREE AND
INFORMED
CONSENT TO CARE**

CHSLD BAYVIEW INC.

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Free Consent

Consent is 'free' when it is obtained:

- **voluntarily** (without coercion)
- **without the person's faculties being altered**
- **without fear of retaliation** (without promise or threat)

Consent is therefore **not free** if the person feels **obliged** to consent because the family or doctor is putting **pressure** on them.

Informed Consent

Consent is said to be **informed** when it is given with **full knowledge** of the facts. The person must receive all the **information** relevant to their decision-making, **clearly** and in a **language** that they understand. Among this information:

- **the diagnosis** (if present)
- **the nature of the treatment**
- **the intervention to be carried out**
- **the benefits and risks related to the intervention**
- **the benefits and risks if the intervention is not carried out**
- **other treatment options.**

Consent from the Resident

Consent to care is generally **given or refused** by the **resident**.

The ability to consent to care could be evaluated as follows:

- Does the person understand the **nature** of the illness for which they are being offered treatment?
- Does the person understand the **risks associated** with this treatment?
- Does the person understand the **risks** if they do **not have treatment**?
- Does the person's illness affect their **ability to give consent**? (Nova Scotia legislation criteria)



The health professional must **adapt the information according to intellectual capacities and ensure that there is understanding of the information transmitted.**

Care

The right to refuse treatment

The **right to consent to care also includes the right to refuse it**. Refusal to receive care must meet the same criteria as consent, that is, it must be **free and informed**. Anyone who consents to or refuses care for others is required to act in the **sole interest of that person**, taking into account, as much as possible, any wishes that the latter may have expressed.

Substituted Consent

Consent to care may also be given by a **person other than the resident**, if the latter is deemed **incapable** of consenting. In such a case, the consent will be given by **the mandatary, the curator or by default, the spouse, a close relative**. When the incapacitated adult categorically refuses to receive treatment, the medical staff must then obtain **authorization from the court** to provide the treatment. However, court permission is not required in the case of hygiene care or an **emergency**.