



INFOGUIDE

January 2009

Making an Informed Decision about Your Treatment: Talking to Your Doctor

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Is decision-making about treatment covered by the law?

- Yes. The *Health Care Consent Act* sets out the rules about consent to treatment.

What is treatment?

- Treatment, under the *Health Care Consent Act*, is anything that is done for a therapeutic, preventive, palliative, diagnostic, cosmetic or other health-related purpose and includes a plan of treatment, a course of treatment or a community treatment plan.
- Treatment for a mental health issue may include:
 - Medication;
 - A diagnostic procedure such as x-rays or blood or urine testing;
 - Psychotherapy;
 - Electro-convulsive therapy (ECT);
 - A program to change your behaviour;
 - A community treatment plan under a community treatment order; and
 - Ancillary or supplementary treatment such as blood tests (for example, if you take certain types of medication, blood testing is necessary to ensure that specific side effects do not exist).

Who may propose treatment?

- A health practitioner under the *Health Care Consent Act* may include a doctor, a dentist, a chiropractor, a psychologist, a nurse, an occupational therapist and others. For simplicity, in this guide we will sometimes use the term "doctor" in place of health practitioner.
- Where you are receiving treatment from a group of health practitioners, one practitioner, on behalf of all health practitioners involved in your treatment, may propose the plan of treatment, determine your capacity to consent to the treatment and receive your consent or refusal.

What is consent?

- According to the rules established in the *Health Care Consent Act*, there are four elements required for consent to treatment:
 - Consent must relate to the treatment;
 - Consent must be informed;
 - Consent must be given voluntarily; and
 - Consent must not be obtained through misrepresentation or fraud.

Is consent required before treatment can begin?

- Yes. The health practitioner must obtain informed consent before any treatment begins, except in emergency situations.
- Your doctor will assess you to find out if you are capable or incapable of consenting to the treatment. If you are capable of making treatment decisions, only you can make the decision about your treatment.
- However, the doctor may believe that you are incapable of consenting to the treatment and a substitute decision-maker will make treatment decisions for you. Please refer to the PPAO InfoGuide on "Substitute Decision-Makers" for more information at www.ppaio.gov.on.ca/inf-sub.html.

What is informed consent?

- The *Health Care Consent Act* states that before giving informed consent to receive treatment, a person must receive all the information from their health practitioner about the treatment that a reasonable person would require in order to make a decision about the treatment, including:
 - The nature of the treatment;
 - The expected benefits of the treatment;
 - The material risks of the treatment;
 - The material side effects of the treatment;
 - Alternative courses of action; and
 - The likely consequences of not having the treatment.

- If you are capable of making treatment decisions, you can withdraw your consent at any time.

Do I need to give my consent verbally?

- You can give your consent verbally. However, you can also give it in writing. Under some circumstances, your consent can also be understood as being given by your body language and actions. For example, if your doctor offers to give you an injection and you roll up your sleeve, you are giving your permission to receive the injection. This is often referred to as “implied” consent.

What if I do not understand what the doctor is talking about?

- To give informed consent, it is essential that you understand what your doctor is saying about your illness and the proposed treatment. You are entitled to receive additional information about the treatment. You can ask any questions that will help you understand what is being explained to you. You can ask the doctor to use words that are easier for you to understand, instead of technical medical words. You can ask the doctor to provide you with written materials.
- You can also ask a friend, family member or Patient Advocate (if one is available) to meet with you and the doctor. They may be able to assist you in understanding what the doctor is explaining to you.

Can I be forced to say ‘yes’ to a treatment?

- You have the right to say ‘yes’ or ‘no’ to a treatment that is offered to you if you are capable of making these decisions. Your consent must be voluntary and given of your own free will.

Can my doctor change the treatment once I have consented?

- A doctor might do so if the change or adjustment to the treatment, including the possible risks or side effects, is not much different than the original treatment proposed. For example, your doctor may slightly increase your medication dosage because he or she does not think it is having the desired effects.
- Consent will also apply to the continuation of the same treatment in a different setting, if there is no significant change in the expected benefits, risks or side effects of the treatment as a result of the change in the setting in which it is administered.

Are there situations where I may be given medication forcibly and without my consent?

- You may be given medication without your consent when the purpose of the medication is to restrain you. In these circumstances, the medication is not considered to be a treatment – it is a chemical restraint. They are used if you are acting in a way that may cause serious bodily harm to you or to others. Please refer to the PPAO InfoGuide on “Restraints: Your Rights When in a Psychiatric Facility” for more information at www.ppa.gov.on.ca/inf-rst.html.
- You could also be given treatment without your consent in an emergency. This could be done if a doctor thought it was necessary to protect you from severe suffering or serious bodily harm. For example, if you were unconscious and in need of medical attention due to an accident, the law permits emergency treatment without your consent.

How should I prepare before meeting with my doctor?

- Before meeting with your doctor, it is a good idea to write down some of the questions you have about your diagnosis and treatment. If the doctor is giving you new information and you are not ready or able to take it all in, you could ask to schedule another appointment to talk about your concerns. Sometimes you may be able to provide the doctor with a list of questions before you meet. If you have prepared a list of questions, you should ask the doctor how much time he or she has to meet with you to go over your questions; if the doctor does not have a lot of time, arrange to come back and meet again.
- If you are meeting with a new doctor, it is a good idea to bring a list of your current concerns and medications, if any. You should also bring an interpreter with you if your doctor is not fluent in your language and you may not be able to understand him/her. For example, your doctor may speak English but you may not be fluent in that language.

What are some questions I should ask my doctor?

- The philosophy of the PPAO is that a strength-based model of care that enshrines the principles of and commitment to recovery is perhaps the best way to support individuals with mental illness. Individuals should have the opportunity to be active participants in all decisions that affect their care, life and treatment. At the end of this InfoGuide is a list of some questions you might want to ask your doctor – you can print the list and take it with you next time you visit your doctor.

Questions?

- If you have questions, contact your local Patient Advocate or Rights Adviser, or call the Psychiatric Patient Advocate Office at 1-800-578-2343.

Questions to Ask your Doctor About Treatment

(If you are capable, you will say “yes” or “no” to the proposed treatment. If you are incapable, your substitute decision-maker will say “yes” or “no” to the proposed treatment.)

Name of health practitioner: _____

Date: _____

1. What health problem are you treating me for?

2. Can you refer me to someone for a second opinion if I would like to have one?

3. Do you have anything I can read about this health issue?

4. What is the treatment? Do you have anything I can read about this treatment?

5. How will this treatment help me?

6. How long it will take before the treatment takes affect?

7. What can I do in the meantime to deal with my symptoms until the medication starts working?

8. What do I do if I am feeling bad and need to speak to someone immediately?

9. Can this treatment ever cause me discomfort or harm me? If so, how?

10. Can this treatment cause me permanent harm?

11. Are there any side effects to this treatment?

12. Will this medication be effective if I'm taking other medications?

13. What might happen if I don't take this treatment?

14. What might happen if I take this treatment for a while and then stop taking this treatment suddenly?

15. Are there any other treatments that might help me?

16. Is there anything else I should know before I leave today?