
Consent for healthcare:

A guide for family, friends, and
caregivers of those unable to make
their own healthcare decisions

Developed by the healthcare professionals of Quality, Safety and Risk Management with assistance from the Department of Learning and Development.

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My questions:

Healthcare providers have a duty to get consent before they examine, do tests, or treat a patient. There may be a time when you will be called upon to make decisions for a family member or friend when they cannot make decisions on their own. You may be in this position because you are very close to your family member or friend and know what their wishes and life values are. You may be in this position because you were appointed by law to be a "temporary substitute decision maker." This pamphlet will explain how you can make decisions for those who are unable to consent for care.

Who decides if someone is not able to make their own decisions?

Doctors are responsible for finding out whether a patient can make an informed decision. Even if the patient cannot speak or write, they may still be able to reason. Doctors use reliable tests and/or get the opinion of other skilled professionals for this purpose. They will explain what is happening and offer a few clear choices. Patients who seem confused or unable to speak can sometimes react in ways that express their wishes.

What if my family member or friend is totally unable to provide consent?

In an emergency, doctors can give care without consent if it may save life or prevent a condition from worsening. The doctor may ask you or another close friend or relative to advise on what is in the patient's "best interest". As someone close to the patient, you have an important part to play. You can tell the healthcare team about the pa-

tient's beliefs and life values. You may be able to explain the patient's views on different treatments, health, quality of life, and death. Please talk with the healthcare providers if you feel that the decisions being made are not "in the best interest" of the person you know well. Please discuss your concerns if you believe that the person would not make those choices for themselves.

What is a temporary substitute decision maker?

The law provides a list of acceptable "temporary substitute decision makers" for patients unable to give consent for themselves. The doctor will choose the first available and willing person from this list to help make decisions on behalf of the patient.

If you have been selected as a temporary substitute decision maker for someone close to you, review your responsibilities with the doctor so you know what you are required to do.

What is a living will (advance directive)?

Some people write down what they do and do not want if the time comes when they cannot give consent. This document is sometimes called a **living will** or an **advance directive**. Healthcare professionals must be informed of a living will (advance directive). They will do their best to follow the will of the patient before they follow the wishes of others, even family.

If you know that your family member/friend has a living will, please tell the doctor and provide a copy, if you can.

Note: Nobody can sign a consent form on behalf of the patient (except parents of children not able to take this responsibility). However, you may be asked to sign that you were consulted in decisions made for the patient.

What if there are conflicts?

Sometimes, there is conflict among family members or between family members and the healthcare team about the patient's wishes or "best interests". When this happens, the family or healthcare team can consult the hospital's Ethics Committee. This committee is trained to help sort through these kinds of decisions. As a last resort, a judge may be asked to hear all sides and make a decision on behalf of the patient.