

Obtaining Informed Consent for Service Guidelines

Introduction

These guidelines provide essential information for audiologists and speech-language pathologists (SLPs) in Manitoba for obtaining, documenting, and managing informed consent in the delivery of health care services. They are intended to support ethical and client-centered decision-making across routine, changing, and urgent care situations.

Obtaining Consent for Service

When seeking to obtain consent from clients or substitute decision makers (SDMs), registrants should consider the nature, circumstance, and continuity of care for each client.

When Consent is Required

- Express consent is obtained prior to providing an initial health care service.
- Consent is re-obtained when there is a significant change in the risks, benefits, or nature of a health care service.
- Consent should be obtained at any other time the registrant deems appropriate based on clinical judgment or changes in client circumstances.

Documenting Consent

- When verbal consent is obtained, registrants document:
 - The information provided to the client or SDM.
 - The nature of the consent discussion.
 - The client's or SDM's decision.
- Implied consent should be clearly documented.
- Registrants document all instances where:
 - Consent is refused.
 - Consent is withdrawn, including the timing and circumstances.
- Documentation of informed consent must comply with the *Standard of Practice on Privacy, Confidentiality, Documentation & Information Management*.

Responsibility for Consent

- Obtaining consent may be assigned or delegated to another individual.
- Regardless of delegation, registrants retain full responsibility for ensuring that consent has been obtained, is valid, and is informed.

Exceptions to Consent Requirements

Registrants may provide health care without consent only in the following circumstances:

- When immediate health care is required to preserve the client's life, prevent serious physical or mental harm, or alleviate severe pain.
- When the client is incapable of giving or refusing consent due to impairment from drugs or alcohol, or because the client is unconscious or semi-conscious, and urgent or emergency care is required.
- When the client is incapable of giving consent, and no authorized SDM is available, a second health care provider should confirm both the need for health care service and the client's incapacity.
- In all urgent or emergency situations, if the client or SDM later refuses or withdraws consent, the health care must be withdrawn in accordance with the CASLPM Standard.

Obtaining Informed Consent Document Specific Definitions

"Express Consent" means an expression of consent provided by a client, or substitute decision maker, either verbally or in writing.

"Implied Consent" means consent that can be inferred by the client's actions or behaviour.

"Informed Consent" means a client's agreement to undergo or decline, at any time, in part or in whole, a health care service after meeting the following requirements:

- The consent is given either by a client with the capacity to make decisions or the client's substitute decision maker. A client has the capacity to make a healthcare decision when the client:
 - Understands the conditions for which a health care service is proposed.
 - Understands the nature of the health care service and the health care service options.
 - Understands the risks, benefits and efficacy involved in undergoing the health care service.
 - Understands the risks and benefits involved in declining the health care service.
 - Has the ability to appreciate the consequences of making such decisions.
- The consent is given after having been properly informed of the:
 - Condition for which the health care service is proposed.
 - Nature of the health care service and the health care service options.
 - Risks, benefits, and efficacy involved in undergoing the health care service.
 - Risks and benefits involved in not undergoing the health care service.
- The consent is not provided as a result of fraud or misrepresentation.
- The consent is given regarding the specific service being provided.
- The consent, in part or in whole, can be withdrawn at any time.

"Standing Orders" means written protocols that authorize designated members of the healthcare team to complete certain clinical tasks without first obtaining a physician's order. They are used to improve efficiency and redistribute the physician's workload, allowing them to focus on acute care and more complex decision-making.