

Standard of Practice: Consent

Standard of Practice

Naturopathic doctors must receive a patient's consent before an examination, procedure, treatment or disclosure of personal health information and ensure that a patient has a clear understanding of a procedure or treatment, as well as the risks, benefits, and alternatives.

Introduction

Prior to examination, testing, treatment or disclosure of personal health information, the patient must provide consent that is informed. Gaining consent is an ongoing process and is not a singular event. A patient's consent must always be informed and can be directly expressed or implied.

Definitions

Competence: the combined knowledge, skills, attitudes and judgment required to provide professional services, defined in the *Health Professions Act*.

Consent: the agreement of the patient to a procedure, treatment or disclosure of personal health information; in order to be valid, consent must be informed, must relate to the assessment, diagnosis and/or treatment, must be given voluntarily and must not be obtained through misrepresentation or fraud.

Implied Consent: informed consent that can be implied by a patient's words or actions (e.g. a patient presents themselves for ongoing treatment).

Informed Consent: where the patient must have a clear understanding of the purpose of the examination and assessment, the procedure or treatment to be administered, and the risks, benefits and alternatives thereof.

Mature minor: In Alberta, a mature minor who is not a ward of a director under the *Child, Youth and Family Enhancement Act* is entitled to give or refuse consent for a proposed treatment, and a guardian has no authority to override or veto the mature minor's decision (mature minor doctrine). Alberta has established no set age for a mature minor.

Standard of Practice: an authoritative statement that describes a minimum required behaviour of every naturopathic doctor and is used to evaluate individual conduct. Naturopathic doctors should always strive to practice above the minimum standards. Performance below the minimum standard may result in disciplinary action.

Naturopathic doctors demonstrate this standard of practice by:

1. providing the patient written or verbal explanation of clinical findings, the assessment and diagnosis, the recommended treatment plan, as well as the foreseeable risks and benefits, including those risks that may be less likely or even rare but more severe;
2. describing the nature of the proposed examination, procedure or treatment to ensure that the patient will reasonably know what to expect will happen during the examination,

- procedure or treatment including the role of any staff member or other regulated health professional involved with any proposed examination, procedure or treatment;
3. providing patients with a reasonable opportunity to ask questions and discuss any of the verbal or written information provided;
 4. explaining to patients that they are free to voice concerns or withdraw consent at any time during the examination, procedure or treatment;
 5. ensuring that, prior to initial consultation, the patient's consent is:
 - a) fully informed,
 - b) voluntarily given,
 - c) not obtained through fraud or misrepresentation, and
 - d) evidenced in a written form signed by the patient in accordance with the **CNDA Standard of Practice: Records Keeping;**
 6. ensuring that, prior to commencing ongoing examination, procedure or treatment, the patient's consent is:
 - a) fully informed,
 - b) voluntarily given,
 - c) related to the patient's condition and circumstances,
 - d) not obtained through fraud or misrepresentation, and
 - e) received and documented in the patient medical record for ongoing examinations, procedures and treatments in accordance with the **CNDA Standard of Practice: Records Keeping;**
 7. ensuring that, prior to commencing an activity requiring authorization by the Registrar, the patient's consent is:
 - a) fully informed,
 - b) voluntarily given,
 - c) related to the patient's condition and circumstances,
 - d) specific to the activity requiring authorization by the Registrar,
 - e) not obtained through fraud or misrepresentation,
 - f) evidenced in a written form prior to commencing the activity, in accordance with the **CNDA Standard of Practice: Records Keeping,** and
 - g) received and documented in the patient medical record for ongoing procedures and treatments in accordance with the **CNDA Standard of Practice: Records Keeping;**
 8. disclosing personal and confidential information only with a patient's consent and if reasonable
 - a. the consent should be written, signed, and dated by the patient,
 - b. the consent should be of an informed nature (confirming that the patient, appreciates the consequence of the disclosure) and
 - c. should specify the information to be disclosed, the intended recipient of the disclosure, and the (reasonable) period of time for which consent is granted,
 9. seeking consent from the patient's legal guardian should the patient be:
 - a) under 18 years of age and not considered a mature minor, or
 - b) an adult patient who lacks capacity to provide informed consent.

Expected Outcomes

Patients are satisfied that:

- naturopathic doctors will seek and receive informed consent from patients prior to an examination, procedure or treatment and will do so in a clear and responsible manner.

Related Documents

Naturopaths Profession Regulation

Child, Youth and Family Enhancement Act

CNDA Code of Ethics

CNDA Standard of Practice: General

CNDA Standard of Practice: Collaboration in Patient Care

CNDA Standard of Practice: Records Keeping

CNDA Guideline: Obtaining Consent For a Minor / Mature Minor

CNDA Guideline: Collaboration in Patient Care in a Shared Healthcare Setting

