

# Informed Client Consent

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## Introduction

The College's *Professional Practice Standard: Informed Client Consent* establishes the expectations that are fundamental to achieving informed consent. Using a question-and-answer format, this *Guide to the Professional Practice Standard* addresses questions and offers suggestions on how to apply the *Professional Practice Standard* in situations that arise in veterinary practice.



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## Frequently Asked Questions about Who Can Provide Consent

### 1. How does a veterinarian confirm authority when a new client requires service?

Consent is valid only when given by a person who has the legal authority to give consent. Establishing and understanding legal ownership of the animal(s) is one component of the initial conversation with a potential client. The veterinarian may establish such legal authority through a bill of sale, registration papers or discussion with the client. In addition, an established client should designate individuals to act as authorized representatives who can provide consent in situations when the client cannot be contacted. A written document (e.g., client information sheet) listing names and contact information for all authorized representatives should be included in the medical record. Documentation of limitations on financial and medical care decisions (e.g., authorization to consent to surgery, euthanasia) is advised. A protocol implemented at each visit to confirm names and contact information for authorized representatives ensures that records are current and accurate.

### 2. Can a 15-year-old provide consent for treatment of an animal?

Under property law, which pertains to the ownership of animals, an individual must be 18 years of age or older to have the legal right to own and make decisions about property. A veterinarian should obtain consent from an adult.

## Frequently Asked Questions about Communication Strategies

### 3. How should a veterinarian explain the benefits and risks of a procedure or course of treatment?

A veterinarian uses their professional judgment to recommend interventions. A client has the right to know what risks are involved before they make a decision about the care provided to their animal(s). Part of the process of communicating information about risk is to place it in perspective for the client, explaining what is likely going to happen while being clear about other possible outcomes. Communicating with the client in terms that are understandable and include explanations of any technical or clinical terminology is recommended. Effective communication skills are necessary to reduce anxiety and stress for clients and ensures the client is fully engaged in the decision-making process.

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#### **4. How much information is a veterinarian required to present when providing a cost estimate for a complex intervention (e.g., tooth extractions)?**

It is advisable to provide a range of total costs that might be involved in a particular procedure or treatment. Written cost estimates assist in ensuring that the client understands the financial implications of the proposed intervention. Clients should always be made aware of the possibility that the scope and associated costs of an intended procedure can expand based on the findings obtained during the actual procedure.

#### **5. Are there specific expectations for a veterinarian to meet when a client refuses to proceed with the recommended intervention?**

A client has the right to refuse recommended interventions. A veterinarian must recognize and respect a client's preference. A veterinarian should fully explain to the client the consequences of taking no action and document, in writing, the fact that this information was provided, as well as the client's refusal. A veterinarian is obligated to report to a provincial animal welfare inspector where they have reasonable grounds to believe that an animal is being abused, being subject to undue physical or psychological hardship, privation or neglect, including by participating in fights with other animals, or is being trained to fight another animal.

#### **6. Can consent be given over the telephone?**

Telephone conversations should be the same as a face-to-face discussion including discussion of options and the relevant benefits and risks and an opportunity for the client to ask questions. The veterinarian should document the conversation and consent in the medical record.

#### **7. When should consent be witnessed?**

In situations of high risk or where the outcome of a procedure has serious consequences, or when the consent is not provided face to face, it is advisable to have a witness.

## **Frequently Asked Questions about Documentation**

#### **8. When is it necessary to obtain consent in writing?**

In general, written consent should be obtained when a procedure or treatment presents significant risks. Complex cases and higher risk procedures warrant greater detail in documenting the process of obtaining informed client consent. Under Regulation 1093, companion animal veterinarians are required to obtain written consent for surgical procedures. In large animal practice, consent is usually

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implied and/or provided verbally, even for surgical cases. However, veterinary medicine has evolved such that obtaining written client consent for actions that pose significant risk is regarded as good practice across all species.

### **9. How much information needs to be recorded in the medical record to demonstrate that informed consent was obtained?**

A veterinarian should document that consent was obtained, whether it was written or verbal, and if not in writing, whether it was implied or explicit. A veterinarian may choose to use a protocol that demonstrates a consistent process for discussion and may be inclusive of handouts, links to informative websites and visual aids.

### **10. What are the requirements for documentation when both the client and authorized representative cannot be contacted?**

All attempts to contact both the client and the authorized representative should be documented in the medical record.

## **Frequently Asked Questions about Obtaining Consent in Unusual Situations**

### **11. What should a veterinarian do when a client appears to be confused and may not have the capacity to provide informed consent?**

Although a rare situation, based on a pre-existing veterinarian-client-patient relationship, a conversation with the client should enable the veterinarian to establish whether or not the client understands the nature and anticipated outcomes of proceeding (or not) with the proposed intervention(s). In situations where the client does not appear to be capable of providing informed consent, a veterinarian should proceed only if there is an immediate risk to the health and well-being of the animal. If the situation requires an immediate intervention, the veterinarian should seek consent from the authorized representative on record, preferably the client's power of attorney, or if there is none, one of the client's next-of-kin. If no such individual is available, the veterinarian should only proceed to treat the animal to prevent suffering and/or significant harm.

### **12. Should a veterinarian treat an animal if attempts to contact the client and the authorized agent are not successful and consent is not obtained?**

Where attempts to contact the client and the authorized representative are not successful, the

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veterinarian should only proceed to treat the animal to prevent suffering and/or significant harm. In situations where the health and well-being of the animal is not at risk, a veterinarian should not proceed until consent is provided. As soon as the emergency is addressed, attempts should be made to contact the client to explain what occurred and discuss future treatment plans and obtain consent as required.

## Frequently Asked Questions about Release of Medical Records

### 13. When is client consent not required to release a medical record?

Client consent is not required to release medical records when doing so is required or authorized by law. This includes an appropriate release to a provincial animal welfare inspector, when requested by another veterinarian to facilitate and coordinate patient care, and when requested by the College of Veterinarians of Ontario.

## Legislative Authority

R.R.O. 1990, Reg. 1093: General s. 17(1)6, 18, 22(1)9.1, 33(1)(a), 44 (*Veterinarians Act*)  
*Provincial Animal Welfare Services Act*, 2019, S.O. 2019, c. 13

## Resources

The following can be found at the College's website at [cvo.org](http://cvo.org):

1. *Professional Practice Standard: Medical Records*
2. *Professional Practice Standard: Informed Client Consent*
3. *Guide to the Professional Practice Standard: Medical Record*
4. *Professional Practice Standard: Establishing, Maintaining and Discontinuing a Veterinarian-Client-Patient Relationship (VCPR)*
5. *Guide to the Professional Standard: Establishing, Maintaining and Discontinuing a Veterinarian Client-Patient Relationship (VCPR)*

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