



Informed Consent

Standards of Practice of the Yukon Medical Council (“the Council”) are the minimum standards of professional behavior and ethical conduct expected of all physicians registered in the Yukon. Standards of Practice will be referenced in the management of complaints and in discipline hearings.

- (1) A physician is responsible for ensuring that consent, which may be implied or may be expressed orally or in writing, is obtained from a patient before performing an examination or treatment or before disclosing the patient’s personal health information, except where permitted by law to act without consent. A physician must:
 - (a) be aware of authoritative advice on informed consent, such as that of the Canadian Medical Protective Association, before establishing a policy on consent procedures in his or her medical practice;
 - (b) consider the risks to the patient, the potential for pain and discomfort, and the invasiveness of the procedure when deciding on the type of consent required;
 - (c) if relying on implied consent, be certain that the actions of the patient would be interpreted by others as having implied permission for the physician’s actions;
 - (d) ensure that written consent is obtained before performing a surgical operation; and
 - (e) consider the knowledge and expertise of trainees and staff if delegating the consent procedure.
- (2) A physician conducting an assessment of a patient’s mental capacity should consult YMC’s standard of practice [“Assessing the Mental Capacity of a Patient”](#).
- (3) A physician who obtains consent from a substitute decision maker on behalf of a patient must comply with applicable laws.
- (4) A physician must respect the right of a patient to withdraw consent at any time.
- (5) In obtaining full and informed consent for disclosure of personal health information or for procedures of higher risk of harm for the patient, a physician must discuss, at a minimum:
 - (a) the exact nature and the anticipated benefits of the proposed examination, treatment or release of personal health information;
 - (b) reasonable and accepted alternative examinations or treatments that are generally available;
 - (c) the natural history of the medical condition at issue; and
 - (d) consequences of not undertaking the examination or treatment or disclosing personal health information;

Terms used in the Standards of Practice:

- *Physician* means any person who is registered or who is required to be registered under the Medical Profession Act.
- *Must* refers to a mandatory requirement.
- *May* means that the physician may exercise reasonable discretion.
- *Patient* includes, where applicable, the patient’s legal guardian or substitute decision maker.

- (e) the common and significant risks of the examination or treatment or disclosure and alternatives;
 - (f) serious risks, even if unlikely;
 - (g) special risks, that although uncommon, may have particular relevance to the patient; and
 - (h) any questions the patient may have.
- (6) A physician who obtains consent from a patient for participation in research must also comply with direction and advice from an approved research ethics board.

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