



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

CONSENT

Practice FAQs

November 2021

QUESTION

A 15-year-old patient arrived at the outpatient PFT lab of the local hospital for a basic spirometry. Their guardian did not accompany them, and the RT needs to obtain consent before they proceed with the test. Can this patient provide consent for themselves?

ANSWER

The *Health Care Consent Act (HCCA)* does not identify an age at which an individual may give or withhold consent. This is because the capacity to make independent health care decisions is not dependent on age, but more on the ability to understand the relative risks and benefits of a proposed plan of care. As is outlined in the *Child and Family Services Act*, “consent is an informed process, and the patient needs to be able to understand the foreseeable risk of treatment”. Therefore, a determination of capacity must be made for minor children and young adolescents in the same manner as it would be for an adult. (If a minor is capable with respect to a treatment, consent must be obtained from the minor directly, even if the minor is accompanied by their parent or guardian.)

In this case, if the RT feels that the patient understands the benefits and risks of the spirometry, then the minor may provide the informed consent required for the RT to perform this test.

Please note: The CRTO’s [Responsibilities Under Consent Legislation](#) Professional Practice Guideline is currently being revised and will be circulated to Members once approved by Council.