



College of Respiratory
Therapists of Ontario

Ordre des thérapeutes
respiratoires de l'Ontario

CAPACITY ASSESSMENTS

Practice FAQs

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QUESTION

I work for a Community Care Access Centre (CCAC) and they want me to start doing capacity assessments for individuals who are being admitted to a long-term care facility. When I was reading through the *Health Care Consent Act*, I saw that professionals who may act as evaluators are “a member of a category of persons prescribed by the regulations as evaluators”. Does that include RTs?

ANSWER

The [Health Care Consent Act](#) (HCCA) addresses two key issues:

1. Capacity to consent to treatment; and
2. Capacity to consent to admission to a long-term care facility.

Assessment of capacity relating to admission to a long-term care facility can only be made by an “evaluator” – which are only the professions named in the HCCA or the Evaluator regulation ([O. Reg. 104/96](#)) made under the HCCA. Respiratory Therapists are not listed in either pieces of legislation as “evaluators”. In addition, a capacity assessment is also not a controlled act and therefore cannot be delegated to an RT.

It's important to note that capacity to consent to treatment is a different matter. In the case of treatment, the HCCA states that the health professional proposing the treatment must determine if the person is capable of giving or refusing consent to the treatment. As outlined in the CRTO's [Responsibilities Under Consent Legislation](#) Professional Practice Guideline (PPG), if an RT is proposing the plan of treatment then it is the RT's responsibility to obtain consent.