

INFORMATION GUIDE

Incapacity to Consent to Treatment due to a mental illness.

The doctor has decided that because of your mental illness, you are not capable to consent to treatment of a mental disorder.

This means that you cannot say “yes” or “no” to the treatment which is being offered to you.

Someone else, your Substitute Decision-Maker (SDM) will be asked to say “yes” or “no” to the treatment for you. This person is usually your nearest relative, depending on the situation.

If your SDM consents to you receiving a treatment, you may receive the treatment whether you wish to be treated or not. You cannot say “yes” or “no” to the treatment.

You should receive a written notice (Form 33, Notice to Patient) from the doctor.

If you disagree with the doctor's decision that you cannot consent to a treatment, you may:

- speak to the doctor and ask whether the doctor thinks that you can make your own treatment decisions, or

- apply to the [Consent and Capacity Board \(CCB\)](#) (using a Form A from the Rights Adviser or hospital staff or [online](#)) for a review of the doctor's decision that you are incapable of consenting to the treatment. The CCB can decide whether you are or are not capable.

At a hearing, you may be represented by a lawyer or represent yourself.

A Rights Adviser visits you to provide this information in a neutral and non-judgmental manner. If you decide to apply to the Board, a Rights Adviser can assist you to apply, obtain a lawyer and apply for legal aid.

Questions?

For questions and information about the Consent and Capacity Board hearings, visit their [website](#).

If you have a question about your specific legal situation, contact a lawyer.

For questions about this information guide, visit [Ontario.ca/PPAO](https://ontario.ca/ppao) or contact the Psychiatric Patient Advocate Office at 1-800-578-2343.

This information guide provides information only and does not contain legal advice. If at any time requirements in legislation conflict with information in this sheet, the legislative requirements prevail.