



# Consent and Capacity Board

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## Overview

## Introduction to the Board

The Consent and Capacity Board is an independent body created by the provincial government of Ontario under the *Health Care Consent Act*. It conducts hearings under the *Mental Health Act*, the *Health Care Consent Act*, the *Personal Health Information Protection Act*, the *Substitute Decisions Act* and the *Mandatory Blood Testing Act*. Board members are psychiatrists, lawyers and members of the general public appointed by the Lieutenant Governor in Council. The Board sits with one, three, or five members. Hearings are usually recorded in case a transcript is required. All Board hearings are open to the public which means anyone may attend to observe the proceedings.

The Board has the authority to hold hearings to deal with the following matters:

### Health Care Consent Act

- Review of capacity to consent to treatment, admission to a care facility or personal assistance service.
- Consideration of the appointment of a representative to make decisions for an incapable person with respect to treatment, admission to a care facility or a personal assistance service.
- Consideration of a request to amend or terminate the appointment of a representative.
- Review of a decision to admit an incapable person to a hospital, psychiatric facility, nursing home or home for the aged for the purpose of treatment.
- Consideration of a request for directions regarding prior capable wishes.
- Consideration of a request for authority to depart from prior capable wishes.
- Review of a substitute decision maker's compliance with the rules for substitute decision making.

### Mental Health Act

- Review of involuntary status (civil committal).
- Review of a Community Treatment Order.
- Review as to whether a young person (aged 12 to 15) requires observation, care and treatment in a psychiatric facility.
- Review of a finding of incapacity to manage property.
- Consideration of whether a patient in a psychiatric facility should be transferred to another psychiatric facility.

### Personal Health Information Protection Act

- Review of a finding of incapacity to consent to the collection, use or disclosure of personal health information.
- Consideration of the appointment of a representative for a person incapable of consenting to the collection, use or disclosure of personal health information.
- Review of a substitute decision maker's compliance with the rules for substitute decision making.

### Substitute Decisions Act

- Review of statutory guardianship for property.

## **Mandatory Blood Testing Act**

- Whether to order a person to provide a blood sample for analysis in certain circumstances.

### **How are applications made to the Board?**

Completed applications should be faxed to the Board. If you cannot find an application form or if you do not know how to send the form to the Board, you may call the Board for assistance or check our web site at [ccboard.on.ca](http://ccboard.on.ca).

### **When and where will the hearing be?**

The parties will receive a notice from the Board with the time and place of the hearing. If you are not a party, you may ask the Board for the time and place. The hearing will take place in the facility where the subject of the hearing resides or receives treatment or at some other place convenient to the parties. The hearing will be held within 7 days after the Board receives your application unless all the parties consent to an extension.

### **How much does it cost?**

There is no charge to the participants for the services of the Board. The Board is publicly funded however requests that all participants assist in keeping costs down.

### **What will happen at the hearing?**

Each party may attend the hearing and invite anyone they want to come. The hearing is open to the public so anyone may attend to observe. The Presiding Member will introduce everyone and explain how the hearing will work, who the official parties are and the order in which people will speak. Each party may have a lawyer, call witnesses and bring documents.

Each party as well as the Board members may ask questions of each witness. At the end of the hearing each party will be invited to summarize and the Presiding Member will then end the hearing.

### **What happens after the hearing is over?**

The Board will meet in private to make its decision. It will issue the decision within one day. Written reasons will be issued if any of the parties request them within thirty days of the hearing.

### **Can the Board's decision be appealed?**

A decision by the Board can be appealed by any party to the Superior Court of Justice.

### **How can I get more information?**

Information sheets, application forms and any further information can be obtained by contacting the Board or on our web site at [ccboard.on.ca](http://ccboard.on.ca).

## Contact Us

### CCB Numbers

#### Greater Toronto Area

**Phone:** (416) 327-4142

**TTY/TDD:**(416) 326-7TTY or (416) 326-7889

**Fax:** (416) 924-8873

#### Outside Greater Toronto Area

**Phone:** 1-866-777-7391

**TTY/TDD:**1-877-301-0TTY or 1-877-301-0889 (Toll Free)

**Fax:** 1-866-777-7273 (Toll Free)