

Section 20(1) HCCA

Ranked list of persons who may give or refuse consent to treatment on behalf of an incapable person:

1. Guardian of the person
2. Attorney for personal care
3. Representative appointed by the CCB
4. Spouse or partner
5. Child or parent with custody rights
6. Parent with access rights only
7. Brother or Sister
8. Any other relative

Section 20(2) HCCA

A person described in subsection (1) may give or refuse consent only if he or she:

- (a) Is capable with respect to the treatment
- (b) Is at least 16 years old, unless he or she is the parent
- (c) Is not prohibited by court order or separation agreement from having access to the incapable person or from otherwise giving consent
- (d) Is available; and
- (e) Is willing to assume the responsibility of giving or refusing consent.