

## **OTLA Submission to College of Physicians and Surgeons of Ontario**

*Draft Policy: Treatment of Self, Family Members and Others Close to You*

February 3, 2025

The Ontario Trial Lawyers Association (OTLA) is pleased to provide input on the College of Physicians and Surgeons of Ontario's (CPSO) review of their Draft Policy: Treatment of Self, Family Members and Others Close to You (Policy).

OTLA was formed in 1991 by lawyers acting for plaintiffs. Our purpose is to promote access to justice for all Ontarians, preserve and improve the civil justice system, and advocate for the rights of those who have suffered injury and losses as the result of wrongdoing by others, while at the same time advocating aggressively for safety initiatives.

Our mandate is to fearlessly champion, through the pursuit of the highest standards of advocacy, the cause of those who have suffered injury or injustice. Our commitment to the advancement of the civil justice system is unwavering.

OTLA's members are dedicated to the representation of wrongly injured plaintiffs across the province and country. OTLA is comprised of lawyers, law clerks, articling students and law students. OTLA frequently comments on legislative matters and has appeared on numerous occasions as an intervener before the Court of Appeal for Ontario and the Supreme Court of Canada.

## **PROPOSED AMENDMENTS**

### ***Reiteration of the Need for Informed Consent***

OTLA strongly recommended that the CPSO emphasize the importance of obtaining patients' informed consent in accordance with the CPSO's *Consent to Treatment* policy.

The requirement to obtain informed consent is heightened when there is an additional layer of trust between the physician and someone close to them, particularly if the physician is providing more than simply emergency care, as contemplated by Provision 5 of the Policy.

### ***Documentation should be strongly encouraged in all circumstances***

In OTLA's view, the Policy's advice should direct physicians that they are advised to clearly document in the medical record in situations where a physician is treating a family member or someone close to them. Physicians should be reminded of the need to document consent in the patient's record.