

## **INFORMED CONSENT**

The process of informed consent should include an ongoing discussion throughout the patient's course of care that generally includes:

- The Doctor of Chiropractic's recommended course of action, and the nature of any recommended examination procedure, diagnostic test and/or treatment intervention
- Discussion of reasonable alternatives to the proposed course of action (regardless of their cost or the extent to which these options are covered by health insurance)
- The benefits, material risks and options, related to the recommended course of action
- An assessment that the patient reasonably understands the discussion and is legally and mentally competent to make the decision
- The patient's voluntary acceptance of the proposed course of action.

In cases where the patient is a minor, or is legally or mentally incompetent, the patient's parent, legal guardian or conservator must provide the consent. In instances where a language barrier exists between the doctor and patient, then informed consent should be given in the presence of a family member or other translator who demonstrates a reasonable proficiency to communicate relevant information between the patient and the doctor.

The informed consent process should be tailored to the individual patient. If a patient has any unique risk factors that might make that patient considerably more likely to experience significant complications from the proposed course of action, or make the patient considerably less likely to benefit from the proposed treatment, these issues should be discussed.

The patient should also have an opportunity to ask questions to gain a better understanding of the procedure, test or treatment so that he/she can make an informed decision to proceed with, or to decline, a particular recommendation(s).

It is important that the Doctor of Chiropractic appropriately document in the patient's health care record that this communication process took place, and whether the patient gave verbal and/or written consent to the recommendation(s). A written document signed by the patient in the presence of a witness may be useful to establish that an informed consent process was appropriately completed. However, the presence or absence of such a document may not—in itself—sufficiently demonstrate that the informed consent process was either adequate or inadequate. All informed refusals should also be documented.

Since the American Chiropractic Association (ACA) recognizes that there are varying legal standards for informed consent among different jurisdictions, it is recommended that Doctors of Chiropractic consult with their personal attorney, malpractice carrier, licensing board, state statutes, case law and CMS (Medicare) to determine the range and detail of the information required locally in an appropriate informed consent process.

By appropriately obtaining the informed consent of our patients, Doctors of Chiropractic will meet our ethical responsibilities to respect the autonomy of our patients. In addition, properly following a reasonable informed consent process might result in limiting the liability of the provider, since there would be an assumption of some risk on the part of the patient.

(Passed by the ACA House of Delegates in September 2008.)