

POLICY AND PROCEDURE MANUAL

Chapter:	Service Delivery		
Title:	Informed Consent for Treatment and Services		
Policy: ⊠ Procedure: □	Review Cycle: Triennial Author: CEO/Designee	Adopted Date: 05.2023 Review Date: 05.2023	Related Policies: Limited English Proficiency Client Rights and Responsibilities

Purpose:

Informed consent assures that clients of Hopeful Horizons (HH) are given information, by their provider, related to their care and services to be provided. Information about care and services must be provided in a manner that is understandable to the recipient of service and/or their legal guardian. The informed consent process acknowledges the client's right to ask questions and to make informed and voluntary decisions as to whether to participate in a proposed service, intervention, or type of care.

Scope:	
This policy applies to	
□ All HH Staff	☑ Selected HH Staff, as specified: Employees providing direct services and all direct service locations
☐ HH Board Members	☐ HH Volunteers
⊠Other: Sub-contract Providers	

Policy:

It is the policy of HH to obtain written informed consent for service/treatment from clients prior to the start of or change in service. When applicable, consent may be obtained from the client's legal guardian or from a parent (if a minor).

Informed Consent requires:

A. <u>Legal competency</u> - An individual shall be presumed to be legally competent. This presumption may be rebutted only by a court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of the guardianship. An individual shall be presumed legally competent regarding matters that are not within the scope and authority of the guardianship.

In accordance with South Carolina Law, minors 16 years or older can consent to any health care services that do not require an operation inclusive of mental health counseling. Minors under 16 can consent to health services of any kind when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary.

- B. <u>Knowledge</u> To consent, a recipient or legal guardian must have, basic information about the procedure, risks, other related consequences, and other relevant information. The standard governing required disclosure by a treatment professional is what a reasonable person needs to know to make an informed decision. Other relevant information includes the following:
 - The purpose of the treatment/service

- A description of the attendant discomforts, risks, and benefits that can reasonably be expected
- A disclosure of appropriate alternatives advantageous to the recipient
- An offer to answer further inquiries
- C. <u>Comprehension</u> An individual must be able to understand what the personal implications of providing consent will be based upon the information provided. Therefore, information about treatment and service shall be provided in the client's preferred language.
- D. <u>Voluntariness</u> There shall be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges or freedom. There shall be an instruction that an individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient.

Communication and Training:

This policy shall be reviewed at the time of initial employee orientation and during the periodic review process. Once the policy is approved/reaffirmed by the Board, employees will be notified of substantive changes. HH policies are available on the website and procedures are available on the employee portal. Clients shall receive notice of their right to consent to service/treatment at the start of services/treatment or when there are substantive changes.

Definitions:

- 1. Informed Consent: A written agreement signed by the client, the parent of a minor, or legally empowered guardian, to give consent, which assumes and requires competence, knowledge, and voluntariness. It also means the knowing consent in a written agreement or written documentation of a verbal agreement executed by a client or his/her legal representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion.
- 2. Preferred Language: For the purposes of this policy, this is the language that the client feels most comfortable in communicating with the provider and reviewing and signing documents that may be required by the treatment/service setting.

Other Related Materials:

Consent for Treatment Form

References/Legal Authority:

Client Rights: Client Rights and Responsibilities, Council on Accreditation, 2022

Minor's Consent to Health Services, SC Code of Laws, Section 63.5.340-350

Change Log:

Date of Change	Description of Change	Responsible Party
4.2023	This is a new policy	N. Miller, Prog. Eval. Consultant