

What To Do Before.....A Consumer's Guide to Informed Consent



It's a Fact!

Informed consent is necessary if consumers are to make informed decisions.....When done properly, informed consent protects doctors, hospitals and consumers from misunderstandings..... Consumers have the right to question items on the consent form..... Consumers also have the right to change their minds or withdraw informed consent.....

What To Do Before..... gives you the information you need to understand informed consent

Q. I've been told that hospitals will not admit me unless I sign a form releasing them from any responsibility if something should go wrong. Can they do this and do I lose my legal rights when I sign the blanket consent form?

A: NO. You won't lose your legal rights even if you sign the form. Very often hospitals try and make you sign a general release form that says you assume responsibility if something should go wrong with your treatment. However, courts have said these releases are not legal because you are being pressured to sign. For example, you're in pain and need surgery but the hospital won't schedule an operating room until you sign the form. You are in no position to bargain and therefore cannot properly exercise your free will rights. You should be given adequate time to study the information provided by your doctor before you sign the form.

Q. What is informed consent?

A: Informed consent is when the hospital and/or your doctor ask for your permission to treat you. You must also be given information about the treatment(s) your doctor says you need. The information must be given to you in language that is easy to understand. Some times informed consent is considered “blanket” applying to any and all treatments, while others may be for a single treatment, for example, cataract surgery.



Q. Why is informed consent required?

A: Generally, doctors and other healthcare providers will not treat you until you give them permission (the exception is an emergency situation). Informed consent is this permission. Your signature on the form shows that you have been given information about medical or surgical treatments and that you agree to what is being recommended. Very often doctors and hospitals use informed consent as a way of protecting themselves from lawsuits should something go wrong. They claim that you were fully informed because you signed the form.

Q. Are there certain things that are required for informed consent?

A: Yes. By law it's the responsibility of your doctor to fully inform you of the following: the illness you have; the treatment(s) your doctor says you need; the risks of the treatment(s) your doctor says you need; the expected outcome or result including information about pain and recovery time; other treatment(s) you could choose, including the choice of no treatment; and the risks and benefits of each treatment as well as all other information that helps you make an informed decision.

Q. Can I make changes to the informed consent paper before I sign it?

A: Yes. You have the right to make changes or question some of the items on the form. For example, you can add a line that says you don't want any medical students doing your operation. You'll only agree to surgery if your doctor is present and performs the entire procedure. The doctor and hospital won't like this, but you have the right to do it. Should you need assistance in making your wishes known, tell them you want to speak with the hospital's Patient Representative or Advocate immediately. Most hospitals have a patient representative whose sole job is to resolve problems to the satisfaction of patients.

Q. Have courts ruled on the legality of blanket informed consent?

A: Yes. Courts have held that “blanket” informed consent is too unclear to make sense to the average consumer and doesn't properly tell you what the doctor is going to do. You can't be expected to give the hospital and doctors permission to do “whatever they feel is necessary.”