

# POLICY AND PROCEDURE

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## REACH for Tomorrow

RRRights - 111

TITLE: Informed Consent

EFFECTIVE DATE: 2/16/24

AUTHORIZED BY: Board of Trustees

This policy shall apply to REACH for Tomorrow and all services operated by or under contract with it.

### **1.0 Informed Consent**

- 1.1 Informed consent for treatment shall be obtained in writing from all recipients or parents or guardians (where applicable) of behavioral health services and supports prior to the provision of clinical services.
- 1.2 All Agency employees, volunteers or independent contractors and their employees or volunteers shall allow recipients, guardians or representatives who are legally empowered to give consent to revoke their consent for participation in mental health services.
- 1.3 The form used for obtaining consent for participation in services shall include a section authorizing Agency employees, independent contractors or their employees, or volunteers to obtain emergency medical assistance if necessary.
- 1.4 Consent by the recipient to participate shall be given freely and without force, duress, deceit or coercion. The explanation of services shall include risks and benefits and an offer to answer any questions the recipient may have.
- 1.5 Recipients shall be permitted, to the maximum extent feasible and in any legal manner, to conduct personal and business affairs and otherwise exercise all rights, benefits and privileges not limited by other laws.
- 1.6 Agency procedures or actions shall not limit a recipient's exercise of rights, benefits or privileges unless there is expressed authority in a court order, statute or rule for limitation.
- 1.7 An adult recipient, or a minor when statutes allow consent or other actions by a minor, shall be presumed legally competent. This presumption may be rebutted only by court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of a guardianship.
- 1.8 An evaluation of a recipient's ability to give consent shall precede any guardianship proceedings. The evaluation shall be made by a panel of REACH

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for Tomorrow staff who are not presently providing services to the recipient.

### **2.0 Informed Consent Assumes**

- 2.1 Legal Competency: 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.
- 2.2 Knowledge: To consent, a recipient or legal representative must have basic information about the procedure, risks, other related consequences, and other relevant information. The standard governing required disclosure by a doctor is what a reasonable patient needs to know in order to make an informed decision.
- 2.3 Voluntariness: a free power of choice without intervention of an element of force, fraud, deceit, duress, over-reaching or other ulterior forms of constraint or coercion, including promises or assurances of privileges or freedom. Voluntariness requires explanation that a person is free to withdraw their consent and to discontinue participation or activity at any time without prejudice to the recipient.
- 2.4 Comprehension: An individual must be able to understand what the personal implications of providing consent will be.
- 2.5 “Other relevant information” as referenced in this policy includes the purpose of the procedure; risks and benefits reasonably expected; a disclosure of appropriate alternatives advantageous to the recipient; and the offering of an opportunity to answer further inquiries.