

Informed Consent

March 24, 2025

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Please consider completing this pre-test while we wait.
Link: <https://www.surveymonkey.com/r/consent-pre>

Learning Objectives

- ▶ Understand the concept and principles of informed consent.
- ▶ Develop skills to obtain informed consent effectively.
- ▶ Learn best practices for documenting and securely storing informed consent documents.

PREFACE

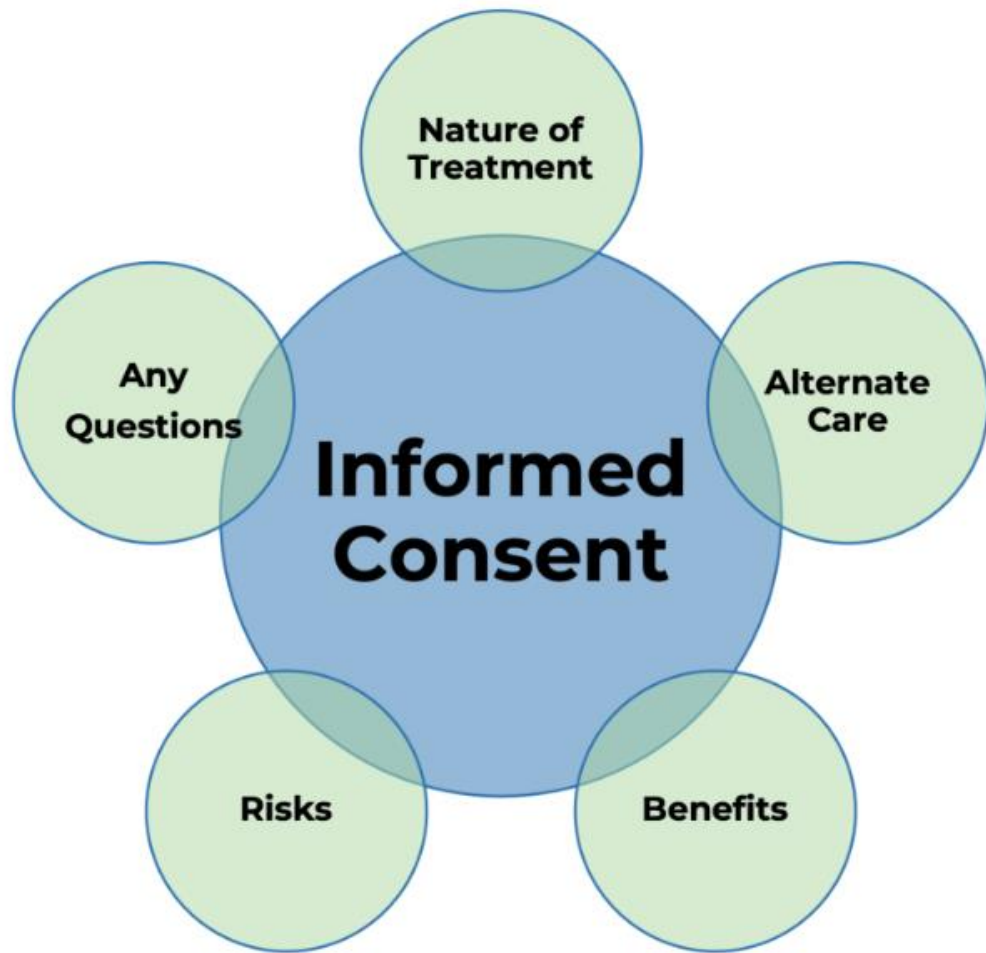
- Specific Informed Consent laws vary by state.
- There are multiple references throughout the Iowa Code regarding informed consent.
- There is little variation in the general concepts of these codes, though there is variation in the specific language used.
- The differences depend on the program, service, profession, and method of delivery.
- Reference the Iowa Code for specific applicable language for your specific situation.



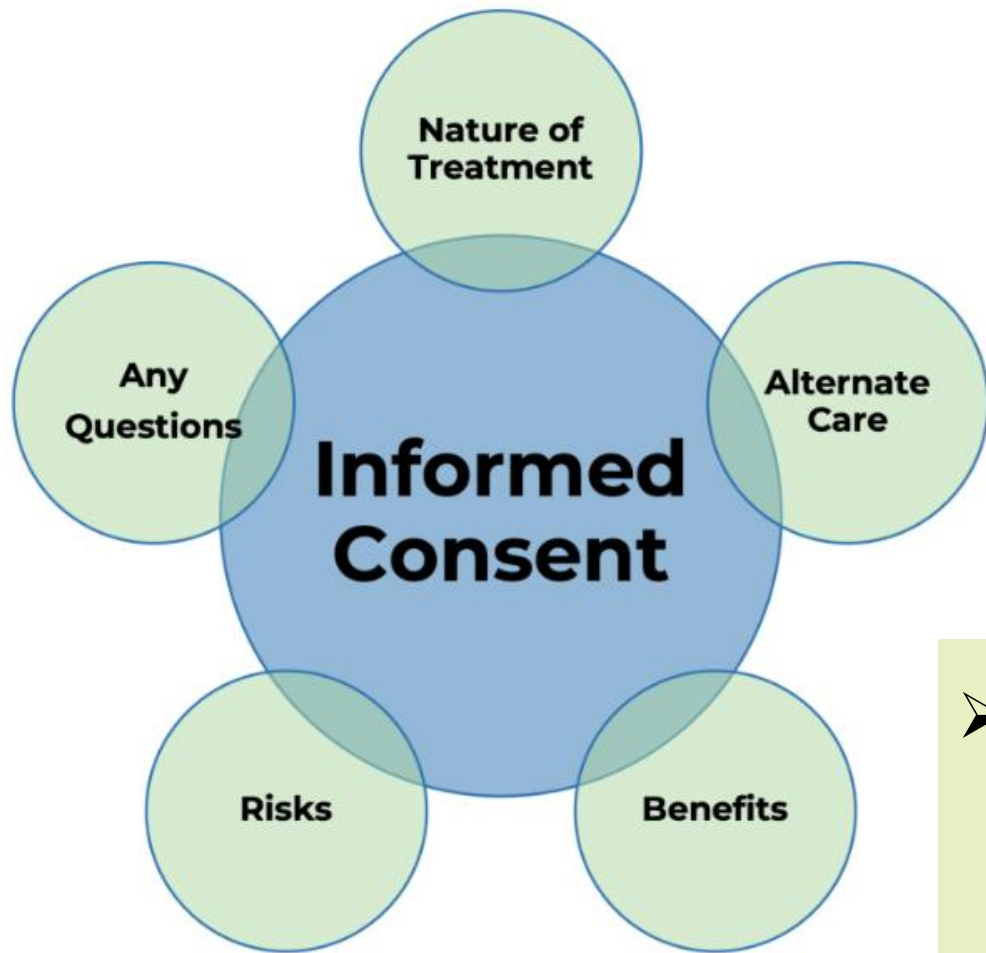
What is Informed Consent?



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- It is an active process of sharing information.
- It is collaborative
- Not a 1 and done.
- Knowledge of what exactly the options are.
 - Examples?



➤ Full knowledge of potential risks.

➤ Examples

➤ Dignity of Risk

What is Dignity of Risk

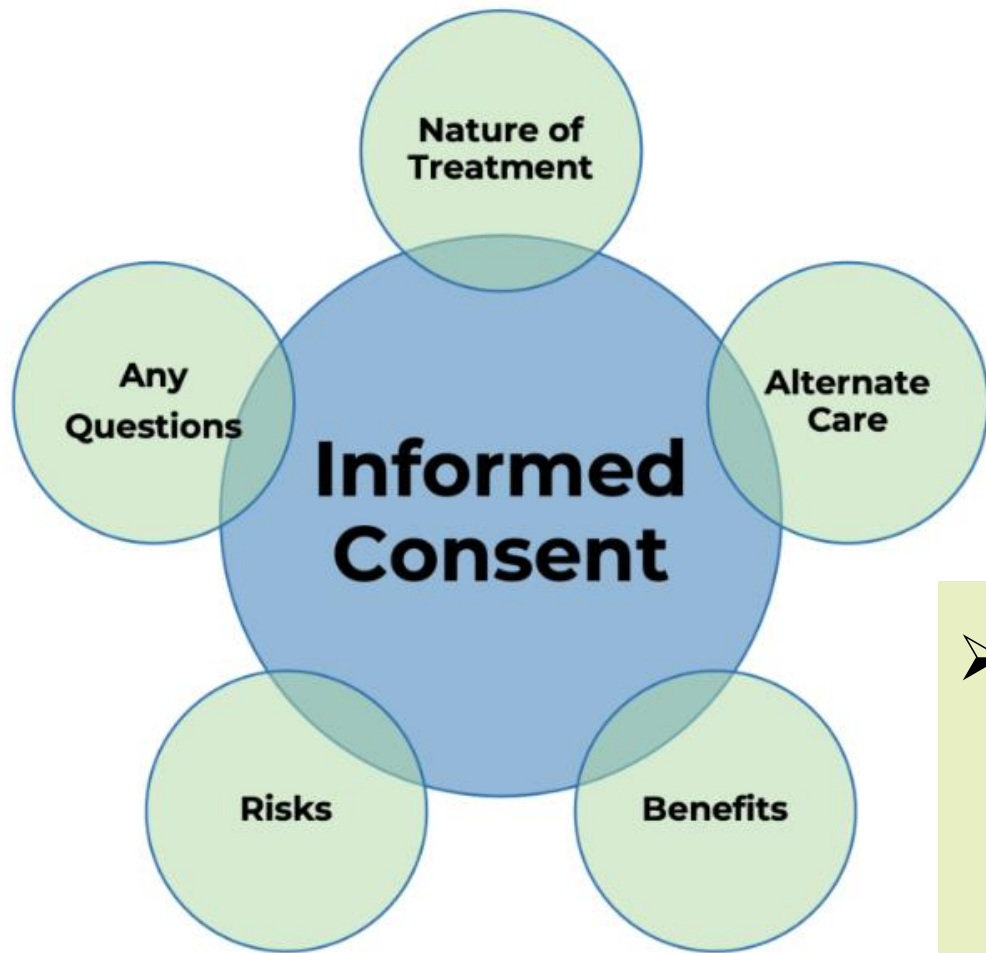
- Being able to make choices that could have negative consequences and getting to experience those consequences
 - Getting physically injured
 - Getting lost trying to navigate public transportation
 - Getting your heart broken at the end of a romantic relationship.
 - Other examples:

What are Barriers to Self-Determination and a Person's Right to Dignity of Risk

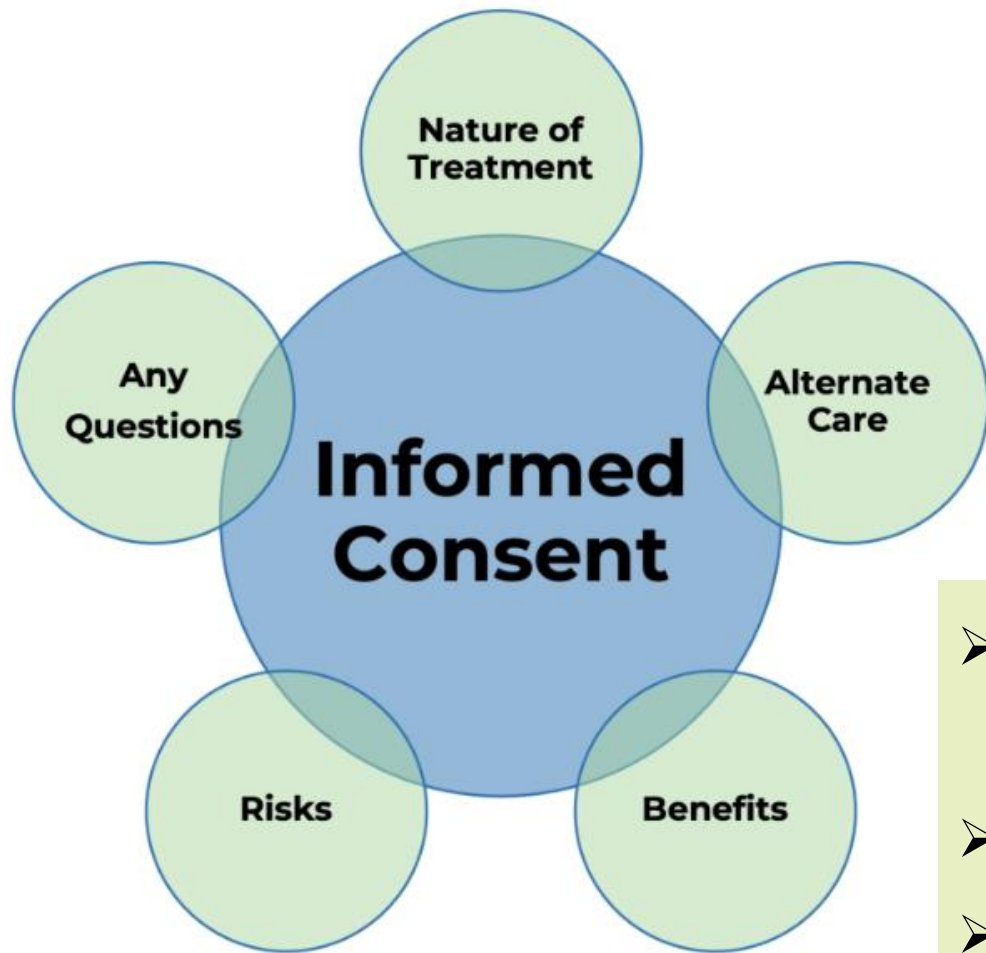
- Others making the person's decisions out of a desire to protect them.
- Misconceptions that people with disabilities do not have the ability or skills to make their own decisions.
- Other's attitudes
- Own self-doubt
- Communication barriers
- Limiting environments such as lack of transportation or accessible housing.

How Can We Promote Self-Determination

- Use person-centered planning
 - The person should be central in the process of making decisions that will affect their lives.
 - Should be included in all levels of decision-making regardless of guardianship status.
 - Acknowledge that person is their own expert.
 - Strength-based approach
- Be aware of communication barriers and find ways around them.



- Potential Benefits → if it's a restriction: long-term vs. short-term behavioral change
 - Increased quality of time
 - Self-determination



- Reasonable alternatives
 - Examples
- Risks and benefits of those alternatives.
- Does the individual and their legally authorized representative understand the above



How to Obtain Informed Consent



How to Obtain Informed Consent

- Take the time needed for the process
- Share information ahead of time if possible.
- Explain to the person and his/her legally authorized representative what they can expect and what their rights are.
- This is a time for educating, not just simply something to be signed
- Use plain language that is reasonably understandable and culturally sensitive to the individual and his/her legally authorized representative.
- Give people the opportunity to ask questions and seek clarification.
- Give time to process the information if needed.

How to Obtain Informed Consent

- ▶ Think about any factors that may be influencing the person's choices/decisions.
 - **Coercion** - the practice of persuading someone to do something by using force or threats and is intentionally presented by one person to another to obtain compliance.
 - Examples
 - **Undue influence** - A legal term that varies by jurisdiction. In general, when a person gains control over another's decision-making through manipulation or pressure.
 - Examples
 - A person has become incapacitated and doesn't have a legally authorized representative.
 - Examples
- ▶ Ensuring an adequate consent process may require repeating or supplementing the initial consent procedure.

How to Document Informed Consent

Documenting Informed Consent

- Document that a discussion took place, and that the person(s) was informed and able to understand the information provided.
- Informed consent documents must be presented and acknowledged in writing, signed, and dated by the individual, legally authorized representative, case manager, and provider agency representative, as appropriate.
- A copy of the consent shall be maintained by the entities legally responsible to do so.
- The individual/legally authorized representative may withdraw consent at any time.
 - Can be verbal or in writing.
 - Be sure to document the withdraw of that consent.
- Must be completed and documented at intervals as legally required and as part of the person-centered planning process.

Questions



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Thank You!

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