

<h1>CONSENT</h1>	
<h2>INFORMED CONSENT</h2>	

<h1>CONSENT</h1>
<ul style="list-style-type: none">• 2317.54 [Effective Until 9/29/2018] Informed consent to surgical or medical procedure or course of procedures. • No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program.

CONSENT

- **SANE examinations are considered a procedure/medical treatment with the State of Ohio**
- Consent must be obtained prior to execution of the examination
- SANEs are extensions of the physicians in the state of Ohio, so the informed consent for the forensic examination must be obtained BY the forensic examiner or physician

CONSENT

- RNs cannot obtain informed consent legally or informally prior to the SANE arrival to the facility
- Upon calling facility if the RN advises “they don’t want the exam” – you know that the patient has NOT been provided the ramification of NOT receiving the exam
- You must present to facility to provide true and accurate information related to the exam to allow fully informed consent or declination of exam

CONSENT

- SANEs are legally bound by the contract and Ohio law to provide informed consent for the examination
- Advocates may occasionally attempt to circumvent this; Ex: on SANE arrival the advocate may state "the patient is going to get an Anon exam"
- You as the health care personnel must obtain this information from the patient legally (including TYPE of the exam)
 - Only exception is if the MD does it for you

CONSENT

- SANE of BC consents are legally spelled out so the patient understands all information related to the exam
- Be sure to have the patient initial each section on the consent form. This assures you reviewed the info in depth

CONSENT

- C) The consent is signed by the patient for whom the procedure is to be performed, or, if the patient for any reason including, but not limited to, competence, minority, or the fact that, at the latest time that the consent is needed, the patient is under the influence of alcohol, hallucinogens, or drugs, lacks legal capacity to consent, by a person who has legal authority to consent on behalf of such patient in such circumstances, including either of the following:

CONSENT

- If the patient chooses not to speak to law enforcement = "non reporting" then you should pass on this information to the Detective on the Detective Notes – (will review more in depth)

WHEN CAN YOU OBTAIN CONSENT

- If the patient is alert, oriented x4 then you can obtain informed consent for the SANE exam
- Consider a patient with a broken arm.....
 - Are you going to withhold care if the patient is intoxicated during the initial medical treatment – NO
 - Assuring the patient has intact CAPACITY to consent to the forensic examination

WHEN CAN YOU OBTAIN CONSENT

- Forensic exams are extremely time sensitive
- Capacity provides confirmation that the patient had the innate ability to consent to the forensic examination
- 1. alert and oriented to person, place, time and situation
- 2. Expresses concerns, questions or dialogue provided to show understanding of exam process
- 3. this should be well documented in your forensic charting

WHEN TO MAKE JUDGMENT CALLS

- If the patient is extremely intoxicated and incoherent - and the SANE is unable to clearly identify a high index of suspicion that an assault occurred
 - You can discuss situation with MD and they can contact our agency at a later time when pt is lucid
- 96 hour timeframe

WHEN TO MAKE JUDGMENT CALLS

- If there is a high index of suspicion that an assault occurred and the patient is intoxicated but alert.....and capacity is INTACT
- It is best practice to perform the exam with the intention of preservation and integrity of evidence

CONSENT BY POA, NEXT OF KIN

- Instances that the patient is obtunded or unresponsive it is required that consent must still be obtained
- Able to obtain consent for exam from POA, next of kin
- This must be approved by admin = a high index of suspicion must be present

CONSENT

- Ex: patient on vent, found unclothed in a field
- Elderly patient with poor mentation suspicious injuries (POA possible perp) can use next of kin
- DD population with high index of suspicion present, obtain consent from POA, next of kin

CONSENT

- NH residents should have POA approval/consent for forensic exam
- **Consent can be obtained via phone**
- Two parties must verify consent (SANE and another hospital staff member)
- Must indicate ON your consent form both parties information along with POA information

CONSENT

- Exception to NH resident POA rule is if the POA is the possible perpetrator
- Contact admin on how to proceed with exam

CONSENT

- Consent has separate sections that must be initialed
- Broken up to avoid long paragraphs or paraphrasing by examiner during consent process
- Allows patient to fully consent to each individual item or step within the forensic examination
- Each section the patient consents to must be initialed

CONSENT

- Patient signs the bottom of the consent
- Examiner signs as the witness to the consent process

**note, for over the phone consents (POA) there must be initials for each section still along with a second person to witness the consent process over the phone (hospital staff as second witness)

<p>Payment and Billing</p> <p>Exam, Photographs, Evidence collection, Medical Records Release, Educational Use</p> <p>Mandated Reporting info</p> <p>LE interaction Request</p> <p>Patient & witness signature</p>	<p>Ohio Department of Health Consent For Exam, Photographs, and Release of Evidence</p>
	<p>PAYMENT/BILLING OF TREATMENT</p> <p>_____ I understand that I will not be charged for the antibiotics and evidence collection exam. Any other medications and medical treatment including but not limited to x-rays and blood work will be billed to me, my insurance or another named party for payment.</p>
	<p>MEDICAL FORENSIC EXAM/EVIDENCE COLLECTION/PHOTO DOCUMENTATION</p> <p>_____ I consent to the medical forensic exam. I understand that I can decline any portion of the exam or any portion of evidence collection process. I understand my choice of treatment steps during the exam will be reassessed frequently.</p> <p>_____ I consent to the evidence collection during the forensic examination. I understand that I can decline any portion of the exam or any portion of evidence collection process. I understand my choice of treatment steps during the exam will be reassessed frequently.</p> <p>_____ I consent to photo documentation, which may include my genitalia, body parts if injuries are present. I understand that I can decline any portion of photo documentation including photo documentation of my genitalia.</p> <p>_____ I consent to the medical forensic exam and photographs to be used in future educational presentations for forensic examiners.</p> <p>_____ I consent to the release of all medical records and photographs to the appropriate law enforcement agency related to the sexual assault forensic examination.</p>
	<p>REPORTING</p> <p>_____ I understand the hospital is legally required to report sexual assaults to law enforcement. My name and contact information will be given to law enforcement unless I choose to decline my name and contact information to be given. I understand that the hospital is legally required to report all abuse or suspected abuse of patients 17 years of age or younger to the Department of Children Services. For patients 17 years or younger, the hospital is required to send a letter to the parent or legal guardian notifying them of the exam. The sexual assault evidence collection kit and toxicology samples for drug-facilitated sexual assault will be given to law enforcement and may be tested at a crime lab.</p> <p>Patients 18 years or older (Initial one)</p> <p>_____ I agree to speak to law enforcement. I understand that my name and contact information will be provided to law enforcement.</p> <p>_____ I DO NOT agree to speak with law enforcement at this time. My name and contact information will be given to law enforcement. I understand that law enforcement may attempt to contact me. I understand that I am not obligated to participate in the investigation of this crime, but that law enforcement may investigate it.</p>
	<p>Signature of PATIENT/GUARDIAN: _____ Date: _____ Time: _____</p> <p>Signature of SANE/WITNESS: _____ Date: _____ Time: _____</p> <p style="text-align: center;">*****After the consent is completed contact LE to perform mandated reporting</p>

MANDATED REPORTING

- After the consent is completed the next step in the exam process is the mandated reporting to LE
- Contact the appropriate LE agency to
 1. advise if patient wants them to respond to hospital
 2. provide them an ETA on time to pick up the kit

THE NEXT STEP

- The DFSA collection would then be performed after the general exam consent
- Remember – DFSA has a separate consent that includes specific information related to the DFSA collection only

THE NEXT STEP

- Once the DFSA (if applicable) is performed, the forensic examination begins
- This will be covered in the upcoming videos or live presentations

THE NEXT STEP

Questions?