

## Long-Term Care Survey Alert

### READER QUESTION: Take The Guesswork Out Of Informed Consent Requirements

**Know when you need specific consent for treatments.**

**Question:** When does a specific treatment fall outside the parameters of a consent form that a resident/decision-maker signs upon admission for routine care? Should physicians and the facility obtain special consent for antipsychotic medications?

**Answer:** Nursing facilities typically obtain a signed informed consent document upon admission that authorizes the facility and staff to render routine treatments and care to the resident during the course of her stay, notes **John Lessner**, an attorney with **Ober/Kaler** in Baltimore.

"But some specific treatments fall outside the definition of routine treatment -- for example, surgical insertion of a feeding tube," says Lessner. The nursing facility and physician in many ways share a joint obligation for obtaining consent documents for special treatments, he adds.

Attorney **Joseph Bianculli** notes that many facilities do require special consents for antipsychotic medications "simply because the [meds] are so regulated." The consent form might "recite" that the facility had advised the decision-maker about the risks and benefits of the medication, he says.