

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Informed Consent

Policy Number: 507.04.85

Effective Date: 02/18/2022

Page Number: 1 of 5

Authority:
Commissioner

Originating Division:
Health Services Division
(Physical Health)

Access Listing:
Level II: Required Offender
Access

I. Introduction and Summary:

Informed Consent will be obtained from offenders for examinations, procedures and treatments received for health care purposes. Exceptions to obtaining Informed Consent will be in compliance with State and Federal Laws or public health requirements. Special procedures, including the use of a translation service, ensure that patients who have difficulty communicating understand how to access health care services. Any special procedure used shall be documented in the health record to demonstrate effective communication. This policy is applicable to all facilities that house Georgia Department of Corrections (GDC) offenders to include private and county prisons.

II. Authority:

- A. O.C.G.A §§31.9-6.1 and 17-10-14;
- B. GDC Standard Operating Procedures (SOPs): 507.02.01 Health Record Management, Format and Contents, 507.04.86 Right to Refuse Treatment, 508.19 Mental Health Referral and Triage, 508.21 Treatment Plans, 508.22 Mental Health Management of Suspected Sexual Abuse or Sexual Harassment, 508.24 Psychotropic Medication Use Management, and 508.27 Time Out and Physical Restraint;
- C. NCCHC 2018 Adult Standard: P-G-05;
- D. American Correctional Health Services Association: Code of Ethics; and
- E. ACA Standards: 5-ACI-CC-04 and 4-ALDF-4D-15.

III. Definitions:

- A. **Decision-Making Capacity** - The ability to understand and appreciate the nature and consequences of options and choices available regarding health care decisions, including the benefits and disadvantages of such choices and to reach an informed decision regarding available choices.

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B. **Informed Consent** - The written agreement to a treatment, examination, or procedure by a patient after the patient receives material facts about the nature, consequences and risks of the proposed treatment, examination, the alternatives to it, and prognosis if the proposed action is not undertaken.

C. **Invasive Procedures** - Surgical procedures requiring local, regional, or general anesthesia, endoscopic procedures, amniocentesis, or procedures involving barium swallows, enemas, or the injection of dye.

D. **Non-Invasive Procedures** - Routine physical examination, laboratory tests, skin testing, and injections.

IV. Statement of Policy and Applicable Procedures:

A. General Informed Consent:

1. Upon entry to the GDC offenders will be asked to read and sign a general Informed Consent document. This document will serve as consent to perform Non-Invasive Procedures, examinations, and treatments (i.e., physical examinations and lab work) until the offender's release from GDC.

Offenders unable to speak, read or write English or Spanish (i.e., blind, deaf, mute, non-English or non-Spanish speaking persons, etc.) will have the consent read and explained in language that they understand utilizing the approved GDC language line. Other offenders and non-medical staff will not be used to interpret.

2. Offenders who are deaf or have hearing difficulties may utilize the Video Remote Interpretation (VRI) service via the Language Line for American Sign Language.
3. Offenders who are unable or have limited ability to read, speak or write English may utilize the over-the-phone language interpretation service, Lionbridge.

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4. The signed consent form will be located in the consent section of the electronic health record.

B. Informed Consent for Invasive Procedures:

1. Offenders whose medical condition requires an invasive examination, procedure, or treatment will be asked to read and sign an Informed Consent for each occurrence.
2. Prior to obtaining written Informed Consent, the responsible licensed clinician will explain:
 - a. The medical problem present requiring the procedure or treatment.
 - b. The reason for or purpose of the procedure or treatment.
 - c. The procedures' associated benefits and risks.
 - d. Alternative treatments available.
 - e. The prognosis if the procedure or treatment is refused.
3. The clinician (MD, NP, PA) at the site where the procedure is performed will obtain Informed Consent prior to performing the invasive procedure (e.g., ASMP).
4. When an invasive procedure is to be conducted by an outside medical facility, that medical facility/attending physician will be responsible for obtaining any applicable Informed Consent.
5. Offenders unable to speak, read or write English or Spanish (i.e., blind, deaf, mute, non-English or non-Spanish speaking persons, etc.) will have the consent read and explained in language that they understand by using the GDC

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approved Language Line. At no time will an offender or non-medical staff be used to translate.

6. Offenders who are deaf or have hearing difficulties may utilize the Video Remote Interpretation (VRI) service via the Language Line for American Sign Language.
7. Offenders who are unable or have limited ability to read, speak or write English may utilize the over-the-phone language interpretation service, Lionbridge.
8. The signed consent form will be located in the consent section of the electronic health record.

C. Exceptions to Obtaining Informed Consent:

1. Informed Consent is not required for examinations, procedures and treatments involving medical emergencies which are life-threatening and require immediate medical intervention for the safety of the patient or emergency care of patients who do not have the Decision-Making Capacity to understand the information given (i.e., unconscious, or mentally disordered patients who are dangerous to self or others).
2. Informed Consent is not required for examinations related to detection of certain communicable diseases such as tuberculosis, syphilis, etc. This includes the medical diagnostic testing process conducted at diagnostic facilities.
3. Parental consent for performing examinations, procedures and treatments for juveniles is not required as the GDC is the legal guardian for juveniles in custody.
4. In circumstances where health care providers proceed without Informed Consent, all aspects of the patient's condition and the reasons for medical intervention will be thoroughly documented in the health record.

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Note: The clinical update associated with this SOP may be found on the GDC intranet at Captiva/Resources/Health Services Documents/02 Physical Health/Clinical Updates.

V. **Attachments:** None.

VI. **Record Retention of Forms Relevant to this Policy:** None.