

INFORMED CONSENT

What is informed consent?

Consent is your authorization or permission to a health care provider to perform a certain procedure or treatment. Informed consent is the permission to perform a certain procedure or treatment after you have been advised of the risks or hazards inherent in the procedure or treatment that could influence you in deciding whether or not to consent.

What information is necessary to obtain informed consent?

Generally, the physician or health-care provider must disclose to you those risks or hazards that could influence a reasonable person in making the decision of whether to consent to the treatment. You should be advised not only of the risks and hazards of treatment, but also of the alternative treatments and the probable result if you remain untreated. In addition, the healthcare provider should explain to you the procedure to be performed, additional procedures that may be needed, benefits derived from the procedure, and consequences of not undergoing the procedure.

Who must obtain informed consent?

Generally, the attending physician must obtain your informed consent. In cases of referral, the referring physician has no duty to obtain informed consent for procedures performed by the other physician if the referring physician does not participate in the procedure. Except in emergency situations, informed consent should be obtained when the patient is able to consider the decision to consent at a reasonable time prior to the treatment.

Who is the Texas Medical Disclosure Panel?

The Texas Medical Disclosure Panel is created (i) to determine which risks and hazards related to medical care and surgical procedures must be disclosed by health care providers or physicians to you or those persons authorized to consent for you; and (ii) to establish the general form and substance of such disclosures.

Before you give consent to any medical care or surgical procedure that appears on the disclosure panel's list requiring disclosure, the physician or health care provider shall disclose to you the risks and hazards involved in that kind of care or procedure. The Texas Medical Disclosure Panel list of procedures requiring full

disclosure may be found in the Texas Administrative Code at the following website:
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=25&pt=7&ch=601&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=25&pt=7&ch=601&rl=Y).⁽¹⁾

Consent to medical care that appears on the disclosure panel's list is effective if (1) it is given in writing, signed by you or a person authorized to give the consent and by a competent witness; and (2) the written consent specifically states the risks and hazards that are involved in the medical care or surgical procedure in the form and to the degree required by the disclosure panel.⁽²⁾

(1) Texas Administrative Code Title 25, Part 7, Chapter 601 (2006).

(2) Texas Civil Practice and Remedies Code, § 74.102-74.105 (2006).