

# Supporting Consent

Doctors and other medical professional need to get informed consent before they carry out any treatment. This means they need describe what they are going to do and why. It also includes going over the risks that might be involved. The individual should get to ask questions about the treatment. The person should decide if at all possible. They should have autonomy over their body. They probably have to sign something giving the consent.

What about patients with intellectual and developmental disabilities (I/DD) who may not understand the treatment?

The age of consent for medical treatment is 18 years old. For children under 18, their parent or guardian can give consent for medical treatment. It is always best to have the person involved understand as much as then can about any treatments or procedures.



For people over 18, the consent should from the patient whenever possible. Doctors and other professionals should do their best to explain the problem and the treatment to patients with I/ DD. There are ways to support the person to understand the treatment help them decide. Families, advocates, and support workers may need to help the person understand.

## Tips to Help with Understanding and Decision Making:

- Involve someone the person likes talking to.
- Talk about the treatment somewhere quiet where the person feels relaxed.
- Try to use words the person knows. explain difficult words simply, in a way they understand.
- If the person has an alternative communication system, use that.
- Use pictures that show the problem and the proposed treatment.
- Stick to the basic information. Do not overload the person with detail.
- Give the person time to think about the information and then have another talk.

There is a process called Supported Decision Making that can be used in making health care and treatment decisions. Iowa does not have a supported decision-making law, however the support person can use the suggestions above and help to explain the risks and benefits of a procedure. The support person can help with explaining complex medical language or the side-effects of a medication and help with communication between the doctor and the person.

This website has more information about supported decision making:

<https://www.ndrn.org/resource/supported-decision-making-and-health-care/>

## What if the Person Cannot Consent?

If the person is 18 years or older and does not understand the problem and/or the treatment, is not capable of making their own decisions, and/or has been deemed incapacitated by a court of law; the individual's guardian can give consent for them.

## Guardianship and the Protected Person

Natural guardianship is a relationship between parents and their children until the children turn 18 years old. Once the individual becomes an adult, a guardian can be appointed by a court of law if the court determines an individual is unable to meet the needs of or make decisions on their own.

A guardian can help make decisions for the person, who is now a protected person. Decisions made on behalf of the protected person should reflect and honor the individual's values and protect their independence, as well as their legal and civil rights.

## Consent to Medical Treatments Made by the Guardian

Before making any medical decisions on behalf of the protected person, the guardian must get all information about the health problem, diagnosis, and treatment options from the individual's medical professional.

The guardian can and should ask questions and also ask for a second opinion if they want one. They should not give consent unless they are satisfied that the treatment is a good idea and in the best interest of the protected person.

For more Information about guardianship and medical treatment in Iowa you can go to: <https://bit.ly/3EqC3i5>

## Are There Treatments a Guardian Cannot Consent To?

The guardian of a protected person may only make decisions based on the person's specific needs.

A guardian may not:

- Authorize sterilization of a protected person
- Place a protected person in a mental health treatment facility, a nursing home, or other residential facility without filing a statement with the court
- Provide consent if the patient is objecting to treatment.

For more information about guardianship and protected person's, visit:

<https://hhs.iowa.gov/contacts/office-public-guardian>

### Acknowledgement

The Iowa Taking Charge of My Health (TCMH) curriculum, including power points, worksheets and fact sheets is inspired by Oregon's University Center for Excellence in Developmental Disabilities (UCEDD) Taking Charge of my Healthcare Toolkit which can be found at <https://www.ohsu.edu/oregon-office-on-disability-and-health/taking-charge-my-health-care>.

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The information provided is for general use and not medical advice or intended to address any individual situation.