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| **MONTCALM CARE NETWORK**  **611 North State Street, Stanton, MI 48888** |  |
| SUBJECT: Consent | Section: 8902 |
| Effective Date: December 21, 1982 | Revised Date: February 23, 2021 |

1. “Consent” means a written agreement executed by a recipient, a minor recipient’s parent, or a recipient’s legal representative with authority to execute a consent, or a verbal agreement of a recipient that is witnessed and documented by an individual other than the individual providing treatment.
2. All of the following are elements of informed consent:
   1. Legal competency. An individual will be presumed to be legally competent. This presumption may be rebutted only by a court appointment of a guardian or exercise by a court of guardianship powers and only to the extent of the scope and duration of the guardianship. An individual will be presumed legally competent regarding matters that are not within the scope and authority of the guardianship.
   2. Knowledge. To consent, a recipient or legal representative must have basic information about the procedure, risks, other related consequences, and other relevant information. Other relevant information includes all of the following:
      1. The purpose of the procedures;
      2. A description of the attendant discomforts, risks, and benefits that can reasonably be expected;
      3. A disclosure of appropriate alternatives advantageous to the recipient;
      4. An offer to answer further inquiries.
      5. Informed consent will be reobtained if changes in circumstances substantially change the risks, other consequences or benefits that were previously expected.
   3. Comprehension. An individual must be able to understand what the personal implications of providing consent will be based upon the information provided under subdivision (b) above.
   4. Voluntariness. There will be free power of choice without the intervention of an element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion, including promises or assurances of privileges or freedom. An individual is free to withdraw consent and to discontinue participation or activity at any time without prejudice to the recipient/guardian.
3. When requesting consent, there will be an explanation given to the consenting individual which will:
   1. Explain what is proposed;
   2. Explain purpose;
   3. Explain risks and benefits;
   4. Offer to answer any questions.
4. The individual seeking consent will evaluate the comprehension of the consenting individual. If it is determined the individual giving consent does not appear to comprehend the conditions or ramifications of the consent, the individual may decline to provide the service on the grounds that the recipient is not capable of giving or refusing to give an informed consent, and will refer to clinical administration for further evaluation.

1. An evaluation of the ability of a recipient to give consent will precede any guardianship proceedings. This evaluation will be completed by a psychologist not providing direct services to the recipient, assuring that the recipient is the primary beneficiary.
2. A minor fourteen (14) years of age or older, may request and receive mental health services and mental professionals may provide services on an outpatient basis (excluding pregnancy termination referral services and use of psychotropic drugs) without the consent or knowledge of the minor's parent, guardian, or person in loco parentis.
3. The minor's parent, guardian, or person in loco parentis is not informed of the services without the consent of the minor, unless the treating mental health professional determines a compelling need for disclosure based upon substantial probability of harm to the minor or another and if the minor is notified of the treating professional's intent to inform.
4. Services provided to the minor are limited to not more than twelve (12) sessions or four (4) months per request. After that time, the mental health professional terminates the services or, with the consent of the minor, notifies the parent, guardian, or person in loco parentis to obtain consent to provide further outpatient services.