

<b>Policy Title: Consent for Treatment and Admission</b>	
<b>Policy Owner:</b> Senior Business Analyst <b>Policy Originated by:</b> Program	<b>Date Written:</b> 10/1/13
<b>Applicable Programs:</b> All Programs Except ECE	<b>Date Reviewed and Approved by PLT:</b> 3/11/14, 11/28/17, 9/9/20, 7/14/21, 1/11/23
<b>Statutory or Regulatory Citation:</b> Minn. Stat. § 144.651	<b>Signature if needed:</b>

### Policy

It is the policy of St. David’s that all clients receiving any form of mental health, rehabilitation therapy, or community-based therapy or supports from St. David’s shall have a signed “Consent for Treatment/Admission” Form on file. The “Consent for Treatment/Admission” Form must be signed by the person(s) legally authorized to provide such consent.

St. David’s requires providers to take reasonable precautions to protect health information from unnecessary disclosure. By signing our consent to treat form, clients/guardians acknowledge and agree to the incidental disclosure of patient identity as a result of St. David’s open and transparent treatment room configuration and the presence of other families, visitors and staff in the facilities.

### Procedure

#### I. General Procedures

- A. Each client must sign the “Consent for Treatment/Admission” Form at the initiation and re-initiation of services.
  - i. At the time of the initial intake and enrollment process, program staff, central intake, or admissions staff will request that the “Consent for Treatment/Admission” Form be signed.
    - a. If a program participant signs the “Consent for Treatment/Admission” Form prior to the date of the initial appointment, the individual does not become a client of St. David’s until treatment is initiated.
  - ii. A program participant may choose to wait to sign the “Consent for Treatment/Admission” Form until the participant has discussed it with their care provider.

- a. In this situation, the “Consent for Treatment/Admission” Form must be signed no later than the date of the program participant’s initial enrollment date or initial appointment with St. David’s.
  - iii. If there is a lapse in treatment and the client’s file has been closed, the client must sign a new “Consent for Treatment/Admission” Form upon any re-initiation of services.
  - iv. If the client is receiving services consecutively, there is no requirement for an annual renewal of the “Consent for Treatment/Admission” Form.
- B. Determination of who will sign the “Consent for Treatment/Admission” Form will be made considering the following parameters:
  - i. An adult client with no court appointed guardian will be expected to sign their own “Consent for Treatment/Admission” Form.
  - ii. The guardian of an adult client with a court appointed guardian will be expected to sign the “Consent for Treatment/Admission” Form.
    - a. A copy of the court order appointing the guardian must also be in the client file.
    - b. The client may be asked to sign, to the extent possible and appropriate for the situation.
- C. Staff/providers will consult the attached “Consent for Treatment/Admission Decision Tree,” when the client is a minor.
  - i. This decision tree contains procedural practices that St. David’s believes to be reasonable and consistent with other mental health/community-based support services/education services organizations.

## II. Special Circumstances

- A. At times, situations may require additional consideration, such as when a family is experiencing divorce.
- B. In special circumstances involving a minor, St. David’s will follow the procedures outlines in the attached “Consent for Treatment/Admission Decision Tree” and will consult a Statement of Custodianship for further information, if such is available.
- C. To the extent staff/providers have questions regarding client consent that are not addressed by this policy or its attachments, staff/providers are encouraged to consult with the St. David’s Compliance Officer.
- D. In cases where there is uncertainty as to whom may sign the Consent for Treatment/Admission Form, the client or client’s parent(s) or guardian(s) will be referred to their personal attorney for counsel.

- E. When a legal guardian is appointed for a child who is a St. David's client, St. David's will require that the legal guardian sign the Consent for Treatment/Admission Form.
- F. When a child who is a St. David's client is placed in foster care, St. David's will work with the relevant foster care agency to determine whether the placement is court-ordered (involuntary) or voluntary.
  - i. If a child who is a St. David's client is placed in foster care on a voluntary basis, the client's parent(s) or guardian(s) will sign the Consent for Treatment/Admission Form, and no other signature is required.
  - ii. If a child who is a St. David's client is placed in foster care on an involuntary basis, St. David's will verify with the relevant foster care agency that the client's parent(s) or guardian(s) continue to have legal decision-making authority regarding the client.
    - a. If the client's parent(s) or guardian(s) currently have legal decision-making authority regarding the client, the client's parent(s) or guardian(s) will sign the Consent for Treatment/Admission Form.
    - b. If the client's parent(s) or guardian(s) do not currently have legal decision-making authority regarding the client, the client's legal decision-maker will sign the Consent for Treatment/Admission Form. The client's parent(s) or guardian(s) may also be asked to sign the Consent for Treatment/Admission Form, when appropriate.

### **Violation of this Policy or Procedure**

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

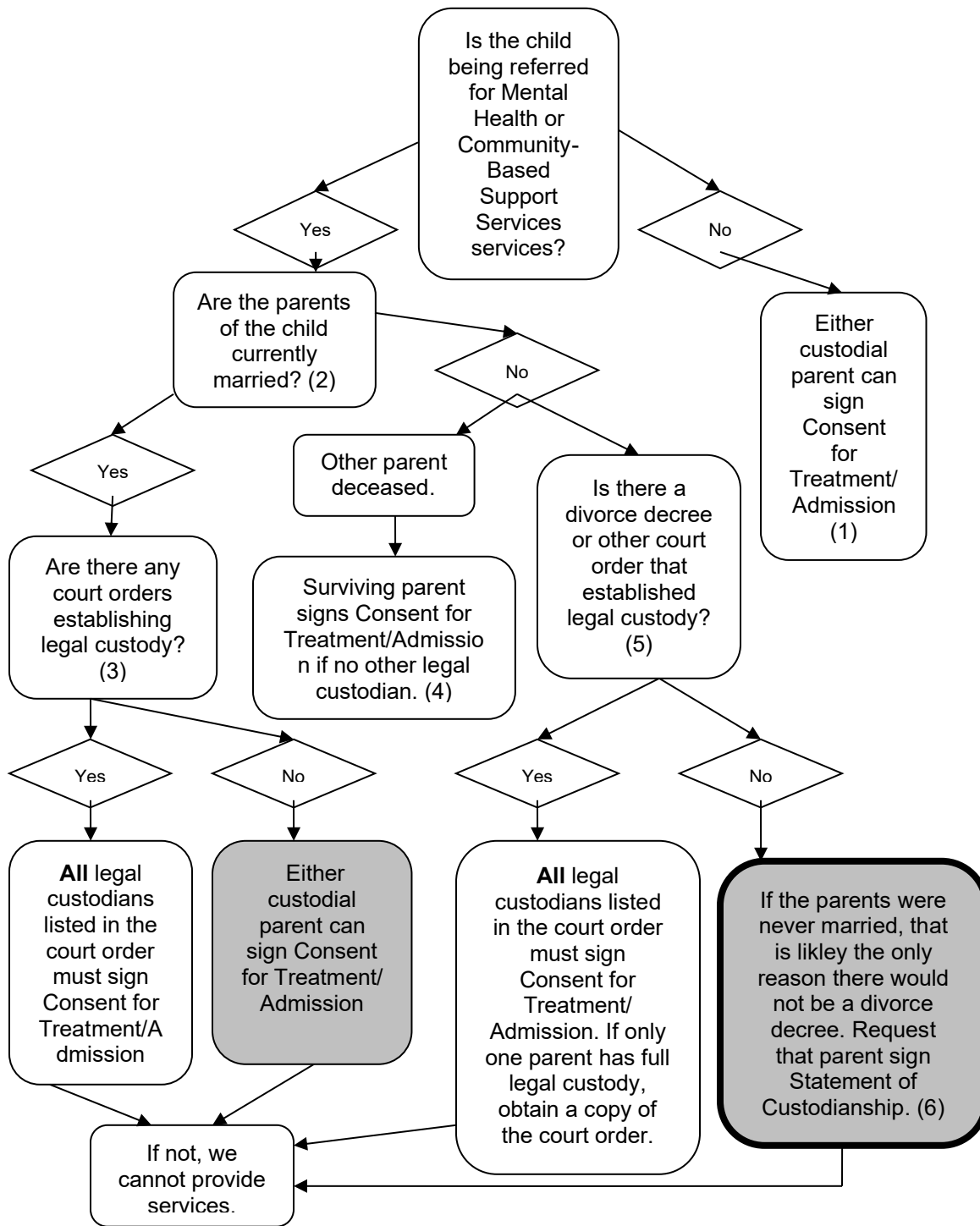
### **Procedures around non-compliance of above noted procedures:**

Staff not complying with the above noted procedure may be subject to corrective action.

### **References/Attachments:**

#### **Addendum 1**

#### **Consent for Treatment / Admission Decision Tree (When Client is a Minor)**



(6) Statement of Custodianship located: <S:\AHIM\CORE Client Documents & Processes\Agency Intake Documents\Universal Intake Document Set\Statement of Custodianship 10.15.doc>