

Providing consent to veterinary care



Veterinarians would be well aware of their requirements to obtain informed consent from their clients before any procedure takes place. However, Guild Insurance's vast experience in managing claims made against veterinarians has highlighted that many don't meet all their informed consent requirements.

What is informed consent?

Informed consent is when a client makes a decision about treatment once they have been informed about treatment options as well as the benefits and risks involved. This definition highlights the difference between consent and informed consent. If a client hasn't been made aware of the benefits and risks, their consent isn't informed.

Informed consent isn't required just for treatment. In many cases, informed consent will also be required before undertaking any assessment or investigations.

Informed consent and insurance claims

Informed consent can feature in insurance claims against veterinarians in a couple of ways.

It's not uncommon when a client is unhappy following treatment for them to allege they weren't made aware of the risks when they consented to treatment. Quite often they will allege the treatment was negligent and has resulted in harm or suffering. They then add that had they been informed of the possible risks, they wouldn't have consented.

In other cases, clients may not make any allegation about consent, their complaint might solely focus on the clinical outcome. Yet when their claim is being managed it's found that they didn't give their informed consent prior to treatment being provided.

Authority to consent

Veterinarians have a responsibility to take reasonable steps to be sure the person giving their informed consent has the authority to do so. This will require them to establish the relationship between the animal and the person presenting, such as them being the owner or authorised agent of the owner of the animal.

The informed consent conversation

Informed consent requires a conversation between the treating veterinarian and the client. This conversation needs to occur prior to assessment and treatment. In emergency cases where the treatment is lifesaving, this conversation may need to be altered.

The conversation must:

- > detail the recommended assessment and treatment as well as alternate treatment options
- > include the expected benefits of that treatment
- > provide information about the risks of the treatment
- > allow time for the client to ask questions
- > be held in language which can be understood by the client which means veterinarians should avoid technical clinical language.
- > be tailored to that individual animal and their unique clinical needs

Recording informed consent

It's imperative that veterinarians make a note in the clinical record regarding the client providing their informed consent. This needs to be more than 'IC given'. The record needs to show what treatment options and risks were discussed as well as any questions asked by the client. The record should also show what the client consented to as well as what they didn't consent to where relevant. In cases where a client's chosen treatment path isn't what the veterinarian has advised is most ideal, this needs to be reflected in the record.

The informed consent form

One area which leads to some confusion about informed consent is how to use an informed consent form. Having a client sign a form is seen as a quick and simplified way of the client providing their informed consent and keeping a record of that. However, they are unfortunately too often used inappropriately.

Signed forms aren't a requirement. While recording consent is required, this doesn't need to be done using a form. Notes in the clinical record of a conversation are sufficient. However, signed forms do provide additional evidence of what was discussed and agreed to.

Forms can't be used to replace the informed consent conversation. A client cannot read a form and gain the same level of understanding as they would from a conversation with the veterinarian. Nor can they ask questions of the form.

A form should only be signed after the conversation with the veterinarian has been had and the client understands what it is they're consenting to. Clients are occasionally asked to sign consent forms at reception before their animal has been seen by the veterinarian. As there has been no assessment or discussion about treatment at this stage, this can't be considered informed consent as the client hasn't been informed.

Informed consent is not a one-off event

Veterinarians regularly question how often their clients need to give informed consent. There is no set time frame for when informed consent conversations or signed forms need to be repeated. The requirement is that when an animal is receiving any assessment or treatment, this needs to have been discussed with the client and consented to. Therefore, informed consent should be an ongoing process. When there is any change in the treatment being provided, or if the animal has returned following a period of absence, informed consent needs to be revisited. A general 'consent to all treatment' for the life of the treating relationship is not appropriate.

Informed financial consent

As well as consenting to assessment and treatment, clients should also give their informed financial consent. This means they need to be provided with information about the expected cost of treatment before this treatment commences.

When treatment doesn't progress as planned

Treatment won't always progress as planned; it's not uncommon to be part way through a procedure and realise that what was planned and therefore consented to now needs to change. Where a veterinarian knows this is a possibility, they should discuss the various treatment paths with the client and have the client agree to more than one treatment option should the situation change mid procedure.

In summary...

There is no one right way to undertake an informed consent conversation and process. Veterinarians must adapt what's discussed for the animal they're treating and its unique circumstances, as well as the circumstances of the client. However, what must occur in all cases is that the client is informed of and understands the proposed treatment, alternate treatment options and the risks involved. Only with this information can they give their informed consent. The veterinarian must also be sure to make a record of this informed consent discussion in the clinical record.



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