

INFORMED CONSENT ELEMENTS FOR IN-PERSON SERVICES DURING PUBLIC HEALTH CRISIS

The following sample is provided for information purposes only and should not be considered legal advice. Informed Consent for In-person Services during Public Health Crisis should be used in conjunction with traditional Informed Consent.

Consider the following before returning to in-person services and developing your Informed Consent for in-person services during a public health crisis:

- CDC guidance
- OSHA guidance
- State and local guidance
- Liability insurance guidance
- Licensure guidance
- Code of ethics

Liability and Legal Implications

- Develop strategies and written policies that comply with government guidelines to help reduce liability risk
- Obtain additional informed consent that addresses:
 - Risks of in-person sessions during pandemic (see below for a partial list of elements you may wish to include)
 - Steps you will take to reduce risks.

Elements to include (this is NOT an exhaustive list):

- Client consents to meet in-person during the pandemic and understands risk for potential exposure.
- Client understands they should consult with their personal physician regarding public and personal health risk.
- Client understands they are not required to attend in-person sessions. They can choose to participate in telehealth services. If telehealth is not provided by clinician, the clinician agrees to offer referrals to another clinician who does provide telehealth.
- Statement that clinician reserves right to end in-person sessions if it deemed it is no longer safe to offer in-person.
- Agreement that clinician and client will comply with public health orders and guidance regarding risk reduction measures (list each of them separately examples include safe physical distancing, wearing masks, avoid physical contact such as handshakes).
- Agreement to comply with clinician/agency risk reduction measures and list them out (examples may include wait in car until 5 minutes before session, wear mask, use hand-sanitizer upon entering building, not moving chairs in lobby or group room, etc.)
- Agreement that client will only keep in-person session if they have no fever or other COVID symptoms.
- Agreement that client will notify clinician immediately if they or anyone in their household has been exposed or diagnosed with COVID-19 so telehealth sessions can begin/resume until health guidance indicates it is safe to meet again in-person and clinician agrees.
- Agreement that client will notify clinician if they or anyone in their household works in an environment where frequently exposed to COVID-19.

- Understanding that clinician will notify client if anyone in the office has been exposed to or diagnosed with COVID-19 so client can take any additional necessary precautions. If office exposure has occurred in-person sessions will switch to telehealth until safe to return to in-person.
- Client understands that if there is COVID-19 exposure in the office the health district may have to be notified of who were potentially exposed. Only the minimum necessary information will be shared for data collection and client understands by signing the informed consent that no additional release of information will be required to report exposure. Clearly indicate treatment records will not be shared.
- Include in consent your policy on cancellation, rescheduling and switching from in-person back to telehealth.
- Note that the list of precautions and safeguards may be updated if new information or guidance is released.
- Client name, signature and date signed. (If EHR does not offer patient portal can use encrypted email to send form for signature, or use software that allows electronic signature).

SAMPLE