



## Consent to Treatment

You have the right to decide what treatments you will and will not accept. No one should give you mental health or medical treatment without your written **informed consent**, unless it is an emergency, or you have a guardian.

**Informed consent** means:

- **Understanding** - you can understand and make decisions,
- **Information** - you are given easy-to-understand written and verbal information about treatment, risks or side effects and any alternatives,
- **Voluntary Decision** - You should be able to make your decision freely, without threats. You should also be allowed to change your mind at anytime. You do not lose the right to decide if you are admitted to a psychiatric hospital. M.C.L. 330.1702.

You have the right **not** to receive treatment and services without your written informed consent, except in a few circumstances. If someone proves to the probate court that you cannot decide, then the court can appoint a guardian to decide for you. The court should not appoint a guardian just because others do not agree with your decisions. They must show that you cannot make an informed decision, and you are causing or might harm yourself. They should try other things before giving you a guardian. If you have a guardian, then that person has the same rights you would have to informed consent. However, he or she is not allowed to consent to any experimental surgery, electro-convulsive therapy (unless the court wrote this in its order), or sterilization.

**Mental Health Treatment** - You should be involved in planning your treatment. Staff should explain the proposed treatment, risks, side effects and alternatives. Only after they have given you this information in a way you can understand, should they ask you to give your written consent. If you consent to treatment, you can cancel it anytime. You should withdraw your consent in writing. Keep a copy of this and, if you can, send your consent by certified mail to prove it was received. **Be aware that the court can require that you receive certain treatment, so your right to object or withdraw consent might be limited.** On an alternative treatment order, this could mean that you could be put back into the hospital for refusing treatment. If this happens, you can have a hearing to object.

**Medical Treatment** - Written informed consent is required before medical treatment. A special consent form is required for surgery, which explains the procedure, risks or side effects and alternatives. Consent forms for normal medical or dental services cannot be used for surgery.

**Electro-Convulsive Therapy** - Electro-convulsive (ECT) or other similar therapies should not be given without written informed consent from you. A guardian can consent to ECT, only if two psychiatrists document the need in your records and the probate court has written that exactly in the court order. The probate court can order ECT, if you cannot consent and your guardian cannot be found. They can give ECT if you are in a life threatening situation and there is not time to get consent. They must write this into your record.

**Medication** - Like other areas, you should have the right to make informed decisions about medication, but people are often forced to take psychiatric medication. In many states, a legally competent person who is involuntarily committed cannot be forced to take psychiatric medication. Current Michigan law says that the court can order you to take medication related to your mental health condition, after you are committed.

The law clearly states that you cannot be forced to take medication before a commitment hearing. The only time that can happen is if they need medication to stop you from hurting yourself or someone else.

**WHAT CAN YOU DO?** Talk to your doctor or treatment team first. If you do not think you need medication, ask for a time to try it without medication. If you are having physical or mental problems, describe these carefully. You could also ask for a review of your medication by the Medical or Clinical Director.

If your doctor or hospital staff violate your rights to informed consent, you can complain to the Rights Officer (or Rights Advisor) at that hospital, or to the Rights Advisor at your Community Mental Health agency. If you cannot contact anyone, you could call the State Office of Recipient Rights toll-free at 1.800.854.9090.

If you are in a nursing home, you can call the Bureau of Community and Health Systems at 1.800.882.6006, or the Michigan Long Term Care Ombudsman at 1.866.485.9393.

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