

**Standard Policy and/or Procedure    Policy # 111.5 Psychoactive Medications, Consent**

**Title: Psychoactive Medications, Patient Consent**

**Approved By:** Director, Behavioral Health Services 01/99

**Effective Date:** 01/99

**Revised Date:** 09/93, 12/94, 11/97, 11/05, 08/08, 02/12, 2/14

**Review Date:** 02/12, 2/14

**Statement of Purpose:** To protect patient's right to consent to treatment with psychoactive medications and to comply with the requirements of the Texas Administrative Code, and the Texas Health and Safety Code relating to psychoactive medications with consent.

**I. Policy**

- A. As defined in Texas Health and Safety Code, Chapter 574, Subchapter G 574.101, a psychoactive medication is a "medication prescribed for the treatment of symptoms of psychosis or other severe mental or emotional disorder and is used to exercise an effect on the central nervous system to influence and modify behavior, cognition, or affective state when treating symptoms of mental illness."
- B. Informed consent is the responsibility of the treating psychiatrist and is given in accordance with each of the following conditions:
  1. The patient must be able to comprehend the information given in accordance with this policy; and
  2. Has the capacity to give consent; and
  3. The consent must be given voluntarily.
- C. Who may give consent to treat with psychoactive medications:
  1. Persons who have admitted themselves under the voluntary provisions of Texas statutes are presumed to have the legal capacity to consent;
  2. The legally authorized representative of the patient; and
  3. By the patient if he or she meets the criteria for informed consent as follows:
    - a. Capacity to consent which is the ability to understand the nature and consequences of a proposed treatment, including the risks.
    - b. Make a decision whether to undergo treatment.
- D. Prior to administering psychoactive medication, the treating physician shall explain to the patient and/or to the patient's legally authorized representative the following:
  1. The nature of his/her mental and physical condition;
  2. The expected beneficial effects on such condition as a result of treatment with medications;
  3. The probable health and mental health consequences of not taking medication including the occurrence, increase, or reoccurrence of symptoms of mental illness;
  4. The existence of generally accepted alternative forms of treatment, if any, that could reasonably be expected to achieve the same benefits as the medication(s) and why the physician rejects the alternative treatment;
  5. A description of the proposed course of treatment with medication(s);
  6. The fact that side effects of varying degrees of severity are a risk of all medications;
  7. The relevant side effects of the medication(s), including:
    - a. Any side effects to which the individual may be predisposed;

- b. The nature and possibly occurrence of the potentially irreversibly symptoms of tardive dyskinesia in some individuals taking neuroleptic medication in large doses and/or over a long period of time;
    - c. The need to advise staff immediately if any of these side effects occur.
  8. An instruction that the individual may withdraw consent at any time without negative actions on the part of the staff;
  9. A review of Patient Rights Under the Consent To Treatment With Psychoactive Medication Rule;
  10. An offer to answer any questions concerning this treatment.
- E. In the physician's absence, a R.N., or R.Ph will discuss the administration of psychoactive medications with the patient for whom such medication is prescribed according to the guidelines stated in #B. The physician is required to confirm the explanation with the patient and/or the patient's legally authorized representative, if the representative is available, within two (2) working days, not including weekends or holidays. The confirmation by the physician is documented by the signing the consent form in the appropriate space.
- F. Informed consent for the administration of psychoactive medication will be evidenced by a completed copy of the "Consent for Treatment with Psychoactive Medication" forms:
  1. Is signed by the patient ~~or~~ or their legal representative;
  2. If the patient or their representative refuses or is unable to execute the consent form, the treating physician will document the consent in the patient record and on the consent form;
  3. Any time the medication regime is altered in a way which would result in a significant change in the risks or benefits for the patient, the explanation of the change will be provided to the patient and/or the patient's legal guardian and will include notification of the right to withdraw consent at any time.
  4. The signed consent will be scanned to the pharmacy;
  5. The psychoactive medication will not be dispensed from the pharmacy until the signed consent is received.
- G. In the event that the legal representative of the patient is not present when the required information is given, a summary of the information will be mailed or faxed to the legal representative.
- H. Emergency administration of medications is provided for in the [Texas Health and Safety Code, Chapter 574, Subchapter G 574.101](#) which allows medication to be given without consent to prevent imminent death or substantial bodily harm to the patient because the patient:
  1. Overtly or continually is threatening or attempting to commit suicide or serious bodily harm;
  2. Is behaving in a manner that indicates that the patient is unable to satisfy their own needs for nourishment, essential medical care, or self-protection;
  3. Presents imminent physical or emotional harm to others because of threats, attempts, or other acts the patient overtly or continually makes or commits.
- I. Emergency administration of medications may be accomplished according to the above criteria, with the clinical justification for the emergency administration documented by the physician in the patient record to include, but is not limited to the following:
  1. Specific medical or behavioral terms which indicate the necessity of the order and that the patient is unresponsive to less intrusive forms of treatment, if any;
  2. Treatment of the patient with the psychoactive medication shall be provided in the manner, consistent with clinically appropriate medical care, and is least restrictive of the patient's liberty.
- J. Patient's refusal to receive or withdrawal of consent for treatment with psychoactive medications;
  1. Will be construed to be a refusal if there is "cheeking" of medications, turning away when medications are offered, spitting the medications out, refusal to acknowledge that informed

consent is given, gives an unacceptable response, gives no response, or non-committal response that he or she has received the standard risk/benefit explanation.

2. Will be documented in the patient record;

3. Will require that the patient again sign a consent form in order to be treated with the refused psychoactive medication;

4. Will result in the treating physician being informed in a timely manner of the patient's refusal to be treated with medication.

K. All consents for treatment with psychoactive medication will be reviewed with the patient or his/her legally authorized representative at least every ninety (90) days. The review will include a discussion of the information outlined in #E. The wishes of the patient or his/her representative will be documented in the patient record.

L. committed under Texas statutes will not be administered medications without informed consent unless:

1. Under Emergency provision ([THSC Chapter 574, Subchapter G 574.101](#));

2. When the patient is a minor or does not have the capacity to consent and the patient's legally authorized representative has consented to the administration.

Affected Departments: Behavioral Health Services

Responsible Parties: Nursing Staff, Medical Staff