

## INFORMED CONSENT-CHECKING THE VALIDITY

### SAMPLE TEXT

**CAVEAT:** *For use in your own setting, forms must be personalized to reflect your state's relevant laws, ethical requirements for your licensing, and your own actual policies.*

## CHECKING THE VALIDITY OF INFORMED CONSENT TEMPLATE

It is considered “best practice” to verbally discuss with the potential clients the following items [preferably before the consent form is signed], but certainly before the onset of assessment and treatment [unless the situation involves an emergency]. Talk with them about: client’s rights, your commitment to your ethical codes, about the type of counseling you do, what they can expect in the course of counseling, the risks of counseling, the reason why therapy could be terminated, and the client’s part. It is ethically required that counselors verbally discuss with potential clients all “limits of confidentiality” preferably before a consent form is signed, but certainly before the onset of assessment and treatment [unless the situation involves an emergency].

**NOTE:** *The below is a suggested template—put the suggestions into your own words—and take the time to verbally discuss with clients, preferably before the onset of assessment and/or treatment.*

## CLIENT’S RIGHTS

**SAMPLE TEXT:** You have the right to self-determination; a right to privacy concerning medical information; a right to participate in treatment decisions. Other rights include: dignity; quality service provided by concerned, trained, professional and competent staff; to expect complete confidentiality within the limits of the law; to full, knowledgeable, and responsible participation in the ongoing treatment plan to the maximum extent feasible; to obtain information and to have this information explained clearly and directly; to request info and/or consultation to refuse and to be advised of the consequences; to a safe environment free of emotional, physical and sexual abuse. **REMEMBER:** *The PATIENT’S RIGHTS ACT is an important document; take the time to read it...see the “Patient’s Rights Act” section for more detail.*

## COMMITMENT TO ETHICS

**SAMPLE TEXT:** “I have an ethical responsibility not to... or to...” [You can talk more about situations that are relevant or of concern to you, your client or your situation such as living in a rural area; potential conflicts of interest, concerns regarding dual relationships, etc.

**SAMPLE TEXT:** As a professional mental health practitioner I abide by the Code of Ethics of [the state’s licensing board and any associations you belong to]. I must abide by all state mandated reporting requirements.

## ABOUT COUNSELING

*What do you have to say about counseling in general and about the type of counseling you do specifically?*

**SAMPLE TEXT:** The counseling relationship cannot guarantee [saved marriages, continued employment, social acceptance]... **SEE:** *the section “informed consent: What to Expect in Counseling” in this book for more ideas*

**SAMPLE TEXT:** My belief is that an individual will seek assistance when their usual coping mechanisms have become ineffective and they are interested in exploring other avenues and increasing their own resources. I believe that each individual will bring with them very unique perspectives and experience, thus I do not offer a generic statement regarding types of support offered.

**SAMPLE TEXT:** Commonly, concerns relating to relationships, employment, addiction and/or addiction recovery, death and loss, sexuality, and ways in which to integrate the past experience with the present

circumstances to create a rich understanding with insights that can assist in future decision making, are brought for examination and in that undertaking, deeper associated concerns may, but do not necessarily always, arise.

## **WHAT TO EXPECT**

A clear working contract in which business items, time of sessions, payment plans/fees, absences, access, emergency procedures, and third-party reimbursement procedures, are discussed.

Provide a short list of reason for termination counseling: client not benefiting from counseling, inability to assist clients, outside counselor's area of expertise, client needs a different form of counseling than you provide, or client needs a higher level of care than you can provide.

## **RISKS**

*SAMPLE TEXT:* There are risks and benefits with counseling, some risks are—presenting symptoms/issues are not resolved, or they could worsen. Possible, during counseling, new symptoms or concerns could arise. If you ever feel counseling is not helping you, please talk to me. There are many options available that we can discuss.

## **REASON WHY THERAPY COULD END**

*SAMPLE TEXT:* There are several reasons for ending counseling. When a client no longer needs a counselor or is not benefiting from counseling then it is time to end. Sometimes a specific treatment might be more harmful than helpful or a client might need a higher level of care than I can provide. As counseling proceeds, issues outside my area of expertise could arise that require a referral to another care provider. If I, or you, identify any conflicts of interests, we will discuss them. If the concern cannot be resolved then again, a referral would need to be made. We will periodically assess how counseling is working for you and measure your progress against the treatment plan and the therapy goals. I will make every attempt to assist you in establishing with another care provider; however, sometimes if another can't be found due to insurance or financial needs, or for any other reasons, then you may need to seek help from your primary care provider, a local emergency room, or a community mental health agency. It is unethical for me to continue counseling when, in my clinical judgment, your needs are not being met.

## **CLIENT'S PART**

*SAMPLE TEXT:* You'll help the process by being present, talking and sharing, and being honest.

*SAMPLE TEXT:* Counseling requires your very active involvement. It requires your best efforts to explore your awareness, and change thoughts, feelings, and behaviors. For example, I want you to tell me about important experiences, what they mean to you, and what strong feelings are involved. This is one of the ways you are an active participant in counseling.

*SAMPLE TEXT:* Certain expectations exist within the counseling relationship parameters, and these include the assumption that a willingness to work during and between sessions, on goals and objectives, communication and negotiation is upheld by both the client or clients, and myself.

## **CLIENT'S PART (Continued)**

*SAMPLE TEXT:* I request 24 hours notice before missing a session, whenever at all possible, since the time I schedule for you is a commitment I make to you, and I would of course, call you in the event that I have an incident that prevents me from meeting you.

## **LIMITS OF CONFIDENTIALITY**

*SAMPLE TEXT:* I will take every precaution to protect your confidentiality, however if you share with me

harmful intentions toward yourself or toward others, or speak of abuse or neglect of children or vulnerable adults, you could place me in the position of having to report to appropriate sources according to the laws. HOWEVER, please do not withhold such thoughts and feelings—I am here to help and support you as needed.

*SAMPLE TEXT:* Most of what we talk about is private. If you talk about abuse of children or vulnerable adults or harm to others, I am required to report these to appropriate agencies. If you speak of harm to yourself, I must take steps to help keep you safe. If these come up, we'll also talk about the best way for us to talk about the problem(s) with others, for the best potential for helping you...

### **ASSIGNMENT:**

#### **CREATE YOUR OWN TEMPLATE:**

#### **CHECKING THE VALIDITY OF INFORMED CONSENT**

**What would you say? How would you say it?**

**CLIENT'S RIGHTS:**

**COMMITMENT TO ETHICS:**

**ABOUT COUNSELING:**

**WHAT TO EXPECT:**

**RISKS:**

**REASON WHY THERAPY COULD END:**

**CLIENT'S PART:**

**LIMITS OF CONFIDENTIALITY:**

**IMPORTANT:** If you have added any additional "limits of confidentiality" to your consent form, you need to verbalize that to the client.

**Risky behaviors that are not covered under mandatory...**

*SAMPLE TEXT:* **If you are involved in fire starting, injury to animals, excessive drinking/drug abuse, severe eating disorders, cutting...where there is a "Substantial Likelihood" of harm to self or others, I reserve the right to speak with your parents/legal guardian to help keep you and others safe.**

**Criminal activities...**

*SAMPLE TEXT:* **If you speak of an involvement with a past murder I reserve the right to report to law enforcement.**

### **ASSIGNMENT:**

**There is disagreement between counselors regarding adding "additional limits of confidentiality" to a consent form.**

**Why do you think this is?**

