



IRISH MEDICAL
ORGANISATION
Cearrchumann Dochtúirí na hÉireann

**Submission to the HSE National Consent Advisory Group on the
HSE Draft National Consent Policy**

28th June 2012

IMO Submission on the HSE Draft National Consent Policy – 28th June 2012

The Irish Medical Organisation (IMO) welcomes the opportunity to comment briefly on the HSE Draft National Consent Policy and would like to raise the following issues in relation to the dated nature of the guidelines and the need to provide quality information to support patients understanding and enable them to make informed decisions about their care.

Dated Nature of the Guidelines

Without having verified the precise detail of current legislation, the Draft Policy appears to provide a concise guide to the law as it stands in relation to consent. However the IMO are concerned that the Policy may rapidly become outdated. Currently the Government is considering a number of changes to legislation that will impact on this Document including:

- The Mental Capacity Bill (which according to the Department of the Taoiseach was due to be published during this Summer Session of the Dáil) will provide for important changes to legislation in relation to legal capacity.¹
- The Advance Healthcare Decisions Bill (introduced in January this year) which will provide for changes in legislation in relation to advance healthcare decisions and Powers of Attorney.²
- The Interim Report of the Steering Group on the Review of the Mental Health Act 2001 (published June 2012) has also recommended a number of changes to the Mental Health Act in relation to: Children; Voluntary and Involuntary Patients and Capacity; and Consent to Treatment.³

As legislation is enacted, the HSE National Consent Advisory Group should ensure that this document can be updated rapidly and at minimal cost.

Supporting Patient Understanding

Research shows that understanding in patients undergoing surgical procedures can be poor⁴ and factors such as language, age, education, cognitive impairment, can impact on patients understanding. Information given to patients and/or their guardians to assist them with decisions varies in quality and content and is often ineffective.⁵ Ensuring that patients have adequate information to make informed decisions about their care, remains an important ethical challenge for the medical profession.⁶ **There is a need to provide evidence-based standardised material and explore new approaches such as multi-media tools to improve the quality of information available to patients and/or their legal guardians.**

¹ See Government Legislation Programme for Summer Session 2012

http://www.taoiseach.ie/eng/Taoiseach_and_Government/Government_Legislation_Programme/SECTION_A1.html

² See Advanced Healthcare Decision Bill 2012

<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2012/0212/b0212d.pdf>

³ See Interim Report of the Steering Group on the Review of the Mental Health Act 2001

http://www.dohc.ie/publications/int_report_sg_reviewMHA.html

⁴ Muslow J.J.W. Feeley T.M. Tierney S. Beyond Consent –improving understanding in surgical patients, Am J Surg (2012) 203, 112-120

⁵ Ibid.

⁶ Ibid.