# FOOTHILLS GATEWAY, INC.

## Informed Consent

## PROCEDURE:

Any person in an HCBS waiver whose rights are being modified (example: previous rights suspensions or restrictive procedures) will require the Case Manager to inform them of the proposed modification and obtain signed informed consent. Informed consent must also be obtained by the Program Approved Service Agency if an individual is enrolled in HCBS-DD and taking psychotropic medications.

### Rights Modifications

**Program Approved Service Agency (PASA) will:**

- Use the current HCPF approved informed consent form to document the individual's proposed rights modifications. The form provided by HCPF meets the expectations outlined in the HCBS Final Settings rule.
- Assure that all less restrictive options have been tried prior to seeking a rights modification. It is also best practice to talk with the person, advocate, legal guardian, and Case Manager about the need for the rights modification before submitting the informed consent.
- Submit the HCPF approved informed consent form, through secured email, to the Case Manager, prior to implementation.
- Not implement the proposed rights modification until the Case Manager has received a signed informed consent.
- Follow HRC procedure for review of the rights modification (HCBS-CES, SLS and DD).

**Case Manager:**

- Will schedule a time to meet with the person to discuss the informed consent.
- Will meet with the person and consult with the legal guardian to review proposed rights modification.
- If the person agrees to the rights modification:
    - The form will be signed by the person and guardian, if applicable.
    - The Case Manager will document the rights modification in the Rights Modification portion of the person's Care and Case Management Record (CCM).
    - A copy of the Informed Consent and rights modification will be sent to the person and guardian, if applicable.
    - A secured electronic copy of the informed consent will be sent to the PASA.
    - The original copy of the Informed Consent will be sent to file room to be entered into the master record/virtual file.
    - Complete a log note in the CCM with the date the informed consent was signed, and a log note in the CCM when completing the Rights

Modification portion of the CCM. The Informed Consent form will be upload to the CCM record and sent to the FGI Virtual Record.

## Psychotropic Medications

### Program Approved Service Agency (PASA):

- When a psychotropic medication is prescribed to someone enrolled in HCBS-DD, the PASA will reach out to the individual and/or guardian to obtain a signed informed consent.
- Informed consent must include:
    - Current medication name and dosage
    - Diagnosis, prescribing physician/psychiatrist
    - Potential side-effects
    - Alternative treatments that have been tried
- When a medication dosage is changed, the PASA must obtain a new informed consent for the new medication dosage.
- Follow HRC procedure for review of psychotropic medication.

### Other

- If the person or guardian does not agree with the rights modification or the use of psychotropic medications, the Case Manager will:
    - Offer options including referral to another PASA or IRSS setting.
    - Contact the PASA immediately and tell them that the person does not want to sign the informed consent and the alternative options they are seeking.
    - Schedule an IDT meeting, if necessary, to review other options and timelines.
- HRC will review informed consents for psychotropic medications and rights modifications if the modification falls into areas that need HRC review.
- IDT should review rights modifications at a minimum of every six months to discuss if they are still needing and any fading plans to discontinue. CM will log note these discussions.
- The Informed Consent must be reviewed and renewed at least annually.
- Electronic signatures collected through appropriate methods are allowed.

1/19... 2/21,3/22, 3/23