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An advisory opinion adopted by AZBN is an interpretation of what the law requires. While an advisory opinion is not law, it is more than a recommendation. In other words, an advisory opinion is an official opinion of AZBN regarding the practice of nursing as it relates to the functions of nursing. Facility policies may restrict practice further in their setting and/or require additional expectations related to competency, validation, training, and supervision to assure the safety of their patient population and/or decrease risk.

OPINION:

APPROVED DATE: 07/12

REVISED DATE: 1/16, 07/19

ORIGINATING COMMITTEE:

SCOPE OF PRACTICE COMMITTEE

Within the Scope of Practice of RN LPN

ADVISORY OPINION INFORMED CONSENT

As used in this advisory a procedure includes, but is not limited to a medical treatment, surgical procedure, psychotropic drug, or diagnostic procedure.

In order for a patient to provide **Informed Consent** for a procedure, the following conditions must be met:

- The patient must:
 - Be advised of his or her diagnosis (if known)
 - Be advised of the purposed of the procedure
 - Be advised what the procedure entails;
 - Be advised of the alternatives to such procedure;
 - Be advised of the associated risks and possible complications of such procedure;
 - Have all questions answered regarding the procedure; **and**
 - Provide written authorization for the procedure- (Arizona Department of Health Services, 2014).
- If the patient is incompetent or unable to give consent, the provisions governing health care decision makers under A. R.S. section 36-3205 shall apply.
- Except as stated otherwise herein, the responsibility for advising the patient and answering the patient's questions as described above resides with the person who will perform the procedure. This responsibility may not be delegated and the RN or LPN may not accept any such attempt of delegation.

STATEMENT OF SCOPE

It is NOT within the scope of practice of the LPN to advise patients (for the purposes of obtaining informed consent) of a procedure.

It is NOT within the scope of practice of the RN to advise patients (for the purposes of obtaining informed consent) of a procedure. that the RN is not authorized to perform such as surgery, radiologic procedure etc. (i.e. a medical treatment plan).

It is within the scope of practice of the RN to advise patients of a procedure that the RN will perform or is authorized to perform (even if the RN will not be the person to perform it) when the general requirements are met (i.e. PICC insertion or blood consent).

It is within the scope of practice of an RN or an LPN to obtain written authorization from a patient, by having the patient sign the informed consent documentation and for the RN or LPN to witness such signature. The RN or LPN's witness signature merely indicates that the patient is the person who signed the informed consent documentation. The RN or LPN does not need to be present when the person performing the procedure provides the requisite advise of answers the patient's question. The RN or LPN may witness signatures on informed consent documents for procedures performed by others.

Before obtaining the patient's signature, the RN or LPN has the right and obligation to make certain the patient understood the advice that was provided by the healthcare provider performing the procedure and that the patient's questions were answered. If there is any concern that the patient does not understand the procedure or that the patient still has questions pertinent to the patient's decision to proceed with the procedure, the RN or LPN should NOT obtain the patient's signature and should promptly advise the healthcare provider who is able to perform the procedure that he or she needs to have further discussion with the patient before the informed consent document can be obtained.

I. GENERAL REQUIREMENTS

- A. A written policy and procedure specific to informed consent is maintained by the employer.
- B. An order for the procedure is obtained by the LIP. An informed consent is obtained.
- C. When the treatment or procedure requiring informed consent is permitted to be performed by an RN, documentation of completion of the instructional program and supervised clinical practice for that procedure (e.g. PICC insertion) is on file with the employer.

II. COURSE OF INSTRUCTION

Course content requirements are specific to the procedure to be performed by the RN (e.g. PICC insertion).

- 1. Obtaining informed consent.
- 2. Reason for the procedure.
- 3. Purpose of the procedure.
- 4. Alternatives to the procedure.
- 5. Risks, benefits, uncertainties of each alternative to the proposed procedure.
- 6. Risks and benefits of not undergoing the treatment or procedure.

III. RATIONALE

The intent of this advisory opinion is to provide clarification for RNs and LPN's who obtain informed consents for treatments and procedures for which they have demonstrated satisfactory instruction and supervised clinical practice, as permitted within the policies of the organization where the treatment or procedure will occur.

IV. REFERENCES

Arizona Bioethics Network. (2010). Medical Informed Consent. Retrieved from <http://www.azbioethicsnetwork.org/resources/encyclopedia/medical-informed-consent>

Arizona Department of Health Services, Health Care Institutions: Licensing, Rules, R9-10-101 General, Definitions. March 31, 2014 http://apps.azsos.gov/public_services/Title_09/9-10.pdf

Vermont State Board of Nursing. (2017) The role of the registered nurse in obtaining informed consent for a procedure. Retrieved from: <https://www.sec.state.vt.us/media/890885/ps-rn-role-in-informed-consent-11-13-2017.pdf>