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Reference Number: 535-14-DD

Title Document: Authorization to Discuss Medical Condition and Medical Treatment Plan

Date of Issue: January 17, 2019
Effective Date: January 17, 2019
Last Review Date: January 17, 2019
Date of Last Revision: January 17, 2019 (NEW)

Applicability: Providers Rendering Health Care to Those Who Reside in a Facility Operated by or Contracted with DDSN

PURPOSE

The Adult Health Care Consent Act (the Act), S.C. Code Ann. § 44-66-75 (2018), requires health care providers or the provider's agent to provide each patient or client representative of a person with an Intellectual Disability/Related Disability the opportunity to designate a family member or other individual they choose as a person with whom the health care provider may discuss the patient's medical condition and medical treatment plan. The purpose of this directive is to implement this requirement.

DEFINITIONS

The following definitions are consistent with definitions included in the Act:

Health Care: As described in the Adult Health Care Consent Act, "health care" means a procedure to diagnose or treat a disease, ailment, defect, abnormality or complaint, whether of physical or mental origin. It includes the provision of intermediate or skilled nursing care; services for the rehabilitation of injured, disabled, or sick persons; and includes if indicated by this directive the placement in or removal from a facility that provides these forms of care.

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For the purpose of this directive, health care is grouped into four (4) categories:

- 1) Medical/diagnostic care;
- 2) Medical/diagnostic procedures;
- 3) Administration of medication; and,
- 4) Admissions/placement/programming/discharge to or from an ICF/IID.

Health Care Power of Attorney: A person designated by another person to make health care decisions on their behalf. The Healthcare Power of Attorney must be on a form as authorized by S.C. Code Ann. § 62-5-504 (2018).

Health Care Professional: A person who is licensed, certified or otherwise authorized by the laws of this State to provide health care to members of the public. For DDSN, DSN Boards and DDSN qualified providers, the following staff members fall within the definition:

- Physicians;
- Physician Assistants;
- Nurse Practitioners;
- Registered Nurses (RNs);
- Licensed Practical Nurses (LPNs);
- Board Certified Behavior Analysts;
- Licensed Psychologists, Licensed Professional Counselors;
- Licensed Physical Therapists;
- Licensed Occupational Therapists; and
- Licensed Speech Therapists.

Health Care Provider: A person, health care facility, organization, or corporation licensed, certified or otherwise authorized or permitted by the laws of this State to administer health care. For DDSN, DSN Boards and DDSN qualified providers, the following are considered health care providers:

- Physicians;
- Physician Assistants;
- Nurse Practitioners;
- Registered Nurses (RNs);
- Licensed Practical Nurses (LPNs); and
- ICFs/IID.

Patient: Is defined as an individual 16 years of age or older who presents to a health care provider for treatment. In this document “person” will be used in lieu of “patient.”

Reasonable Accommodations: Will include, but not be limited to, using technology and devices, receiving assistance with communication; having additional time and focused discussion to process information; providing tailored information oriented to the comprehension level of the alleged incapacitated individual; and accessing services from community organizations and governmental agencies.” (As defined in S.C. Code § 62-5-101 (23)(b) (Supp. 2018)

IMPLEMENTATION

As indicated in the Act, a health care provider shall offer the person or client representative of an person with an Intellectual Disability/Related Disability the opportunity to designate a family member or other individual they choose as someone with whom the health care provider may discuss the person’s medical condition and medical treatment plan. This opportunity, in accordance with the Act, must be offered when the person presents for treatment/services.

For DDSN, DSN Boards and DDSN contracted service providers who directly render health care services, the person is considered to be presenting for treatment/services, in some situations, daily or multiple times daily. For this reason, the opportunity to designate a family member or other with whom the person’s medical condition or medical treatment plan may be discussed will be offered in the following manner:

- Prior to or at the time of the first presentation to a physician, or nurse practitioner for medical/diagnostic care or procedure and at least annually thereafter;
- Prior to or at the time of the first administration of medication by a nurse and annually thereafter;
- Prior to or at the time of admission to an ICF/IID and annually thereafter.

When the opportunity to designate is offered, it must be presented as a written question. The question must be in bold print and capitalized or by electronic means. The question must read **“DO YOU WANT TO DESIGNATE A FAMILY MEMBER OR OTHER INDIVIDUAL WITH WHOM THE PROVIDER MAY DISCUSS YOUR MEDICAL CONDITION? IF YES, WHOM?”** Along with the written question, the person or client representative of a person with an Intellectual Disability/Related Disability must be notified that he/she may revoke or modify their authorization with regard to any family member or individual designated and that any revocation or modification must be in writing.

Reasonable accommodations and support must be provided so the person can understand and respond.

The Authorization to Discuss Medical Condition and Medical Treatment Plan form (attached) may be used to:

- Document that the person was afforded the opportunity to designate;
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- Document the individual(s) designated; and

- Inform of the ability to revoke or modify the designation.

The completed form must be in the person's record.

Any questions related to your organization's responsibility for obtaining authorization to discuss the medical condition and treatment plan of a person or client representative of a person with an Intellectual Disability/Related Disability served by your organization should be referred to your organization's legal counsel.



Gary Lemel
Vice Chairman



Eva Ravenel
Chairman

To access the following attachments, please see the agency website page "Current Directives" at <https://www.ddsn.sc.gov/about-us/directives/current-directives>.

Attachment: Authorization to Discuss Medical Condition and Treatment Plan