

Pennsylvania Senate Approves Bill Allowing Delegation of A Doctor's Informed Consent Duties

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On Wednesday April 28, the Pennsylvania Senate unanimously passed a bill that would allow qualified associates/staff to obtain informed consent from patients prior to medical procedures. Traditionally, doctors were the only individuals who had the sole, non-delegable responsibility of obtaining the Consent Forms. The unanimous vote amends the state's Medical Care Availability and Reduction of Error Act (MCARE Act) to clarify that not only a treating physician but *any* "qualified practitioner" would be able to obtain a patient's informed consent.

This is considered a controversial decision because there remains disagreement with having other "qualified practitioners" handling the process of securing consent forms. Pennsylvania Senate John Gordner had a strong response. "This ruling severely hampers the concept of team-based care and ignores the realities of present-day health care," he explained, in referencing the 2017 PA Supreme Court decision in *Shinal v. Toms*. He went on to state that "It further takes away a physician's medical expertise and judgment in determining how best to serve his or her patients."

Since the bill has been passed, it will now be considered in the Pennsylvania House of Representatives.

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