

IC 16-36-1.5

Chapter 1.5. Consent for Mental Health Services

IC 16-36-1.5-1

Applicability of chapter

Sec. 1. This chapter does not apply when an individual is detained or committed under IC 12-26-4, IC 12-26-5, IC 12-26-6, or IC 12-26-7.

As added by P.L.145-1996, SEC.3.

IC 16-36-1.5-2

"Mental health provider" defined

Sec. 2. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.
- (2) A clinical social worker licensed under IC 25-23.6-5.
- (3) A marriage and family therapist licensed under IC 25-23.6-8.
- (4) A psychologist licensed under IC 25-33.
- (5) A school psychologist licensed by the Indiana state board of education.
- (6) An individual who claims to be a mental health provider.

As added by P.L.145-1996, SEC.3. Amended by P.L.149-1997, SEC.1; P.L.147-1997, SEC.3.

IC 16-36-1.5-3

"Patient" defined

Sec. 3. As used in this chapter, "patient" means a person who is the recipient of mental health services.

As added by P.L.145-1996, SEC.3.

IC 16-36-1.5-4

Mental health provider; consent from patient required

Sec. 4. Before providing mental health services, a mental health provider must obtain consent from each patient.

As added by P.L.145-1996, SEC.3. Amended by P.L.111-1997, SEC.7; P.L.149-1997, SEC.2; P.L.253-1997(ss), SEC.19.

IC 16-36-1.5-4.5

Physician; written consent from patient required

Sec. 4.5. Before providing mental health services, a physician who is licensed under IC 25-22.5 must obtain consent from each patient as provided in IC 34-18-12.

As added by P.L.149-1997, SEC.3. Amended by P.L.1-1998, SEC.119.

IC 16-36-1.5-5

Consent by mentally incompetent patient

Sec. 5. (a) This section applies to a patient who:

- (1) receives mental health services; and
- (2) is mentally incompetent.

(b) A patient described in subsection (a) shall provide consent for mental health treatment through the informed consent of one (1) of the following:

- (1) The patient's legal guardian or other court appointed representative.
- (2) The patient's health care representative under IC 16-36-1.
- (3) An attorney in fact for health care appointed under IC 30-5-5-16.
- (4) The patient's health care representative acting in accordance with the patient's psychiatric advance directive as expressed in a psychiatric advance directive executed under IC 16-36-1.7.

As added by P.L.145-1996, SEC.3. Amended by P.L.149-1997, SEC.4; P.L.16-2004, SEC.2.

IC 16-36-1.5-6

Compliance with chapter

Sec. 6. In order to comply with this chapter, a mental health provider needs to obtain only one (1) consent for mental health services for a patient while admitted in or treated as an outpatient at the main facility or a clinic of any of the following:

- (1) A psychiatric hospital (as defined in IC 12-7-2-151).
- (2) A hospital (as defined in IC 16-18-2-179(b)).
- (3) A community mental health center (as defined in IC 12-7-2-38).

As added by P.L.145-1996, SEC.3. Amended by P.L.149-1997, SEC.5.

IC 16-36-1.5-7

Rebuttable presumption of informed consent

Sec. 7. If a patient's written consent is:

- (1) signed by the patient or the patient's authorized representative;
- (2) witnessed by an individual who is at least eighteen (18) years of age; and
- (3) explained, orally or in the written consent, to the patient or the patient's authorized representative before a treatment, procedure, examination, or test;

a rebuttable presumption is created that the consent is an informed consent.

As added by P.L.145-1996, SEC.3.

IC 16-36-1.5-8

Repealed

(Repealed by P.L.149-1997, SEC.8.)

IC 16-36-1.5-9

Repealed

(Repealed by P.L.149-1997, SEC.8.)

IC 16-36-1.5-10

Information to be provided by mental health provider

Sec. 10. A mental health provider shall inform each patient of the mental health provider about:

- (1) the mental health provider's training and credentials;
- (2) the reasonably foreseeable risks and relative benefits of proposed treatments and alternative treatments; and
- (3) the patient's right to withdraw consent for treatment at any time.

As added by P.L.149-1997, SEC.6.