The Ethics and Jurisprudence of Informed Consent in Physical Therapy Practice

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Course Description: This 4-hour ethics and jurisprudence course is intended to meet the physical therapy licensure requirements for the state of Wisconsin. It is intended for the physical therapist and therapist assistant. The course covers ethical considerations necessary to ensure voluntariness, patient competence to give informed consent, and the information needed to meet the legal responsibilities of “consenting” a patient or client. The history of informed consent in medicine will be presented to show the evolution of litigation once framed as battery to the present-day charges of malpractice. A risk-management plan to avoid such charges, based on claims data and legal statutes, will be discussed. A few special circumstances of informed consent will be examined, as well including consent related to cervical thrust-joint manipulation and consent when performing internal exams. Examples of documentation options related to informed consent will be provided. The course participants will consider ethical dilemmas related to informed consent and will critique various consent forms.

Course Objectives

Upon Completion of the course the participant will be able to:

1) Define the purpose, process and components of informed consent in physical therapy
2) Identify necessary components of the informed consent process as proposed by the WCPT and others
3) Identify and apply to ethical dilemmas the APTA Code of Ethics and medical ethics principles related to informed consent for both the PT and PTA
4) Develop a risk-management plan to promote best physical therapy clinical practices related to informed consent
5) Consider how a patient’s culture, health literacy and values might impact a PTA/PT’s informed consent process

Course Format

The course will be a combination of lecture, discussion, small-group discussion of cases/dilemmas, and consent form assessment performed in pairs.

Speaker Biography

JILL SCHIFF BOISSONNAULT, PT, PhD, WCS, received her bachelor’s degree in physical therapy from the University of Illinois, her master’s degree in orthopedic physical therapy from
Northwestern University, and her PhD from the University of Wisconsin, Madison in curriculum and instruction, with a minor in women’s studies. She has been very involved in APTA’s Section on Women’s Health and was awarded the Section’s service award, the Elizabeth Noble Award, in 2000. She is immediate-past president and founder of the International Organization of Physical Therapists in Women’s Health, a subgroup of the World Confederation for Physical Therapy. Her writings include articles on a variety of obstetric and gynecologic physical therapy topics, as well as book chapters in Physical Therapy Practice: Screening for Medical Disease, 2nd ed, Obstetric and Gynecologic Physical Therapy, and Primary Care for the Physical Therapist, Examination and Triage, 2nd ed. In 2006, Boissonnault received a Lucy Blair Service Award from APTA and the Mentor Award from the Wisconsin Physical Therapy Association and in 2011 an International Service Award from the WCPT. In 2012 Dr. Boissonnault was awarded the inaugural Diversity Award from the University of Wisconsin School of Medicine and Public Health. She currently teaches professional issues in the physical therapy program at the University of Wisconsin, Madison and is Director of the UW-Hospitals and Clinics/Meriter Hospital Post-Professional Residency in Orthopedic Physical Therapy. Boissonnault lectures at a number of physical therapy education programs and teaches continuing education courses on obstetrics, pelvic floor dysfunction, and ethics and professionalism as they relate to physical therapy.

Course Outline

I. Introduction to Informed Consent in physical therapy: Definition, purpose and history
II. Ethics of informed consent: APTA Codes of Ethics and Medical Ethics principles applied
III. Risk Management strategies related to informed consent in PT
IV. Examination of informed consent documents
V. Small group discussion of ethical dilemmas related to informed consent
VI. Special considerations related to informed consent:
   a. Thrust joint manipulation of the cervical spine
   b. Internal examinations
   c. Health literacy
   d. Cultural and diversity issues

References

3. Bennett J. Informed Consent; tips and caveats for PTs. PT Magazine of Physical Therapy, as currently referenced @ APTA.org/liability awareness/informed consent, 2012.
5. Enotes.com/healthcare-reference/informedconsent
13. Schoendorff v Society of New York Hospital, 105 NE 92, 93 (NY 1914).
17. Wisconsin Legislative Documents; Chapter PT 1; License to Practice Physical Therapy. PT 1.01, Authority and Purpose, section 8... “Informed Consent”...