How do primary care behavioral health programs provide informed consent for treatment?
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The practice of informed consent for treatment is a practice that has some parallels in medicine, usually for specialty services such as surgery, for example, but also has deep roots in the practice of specialty mental health as evidenced by the attention provided to informed consent in the American Psychological Association’s ethical codes.

The practice of informed consent in the primary care behavioral health model differs significantly from that in specialty mental health in large part due to the difference in the nature of the relationship between the patient and the behavioral health consultant versus the nature of the relationship between the patient and therapist. In the primary care behavioral health model the behavioral health consultant is responsible first to the primary care provider and only provides services to patients as part of the primary care provider’s medical team. In other words, whereas the therapist maintains sole ownership of the relationship with their client, the behavioral health consultant only maintains a relationship indirectly with the patient through the services of their primary care clinic. This is why in a specialty mental health environment a therapist will begin the process of care by reviewing the parameters of treatment including risks and benefits and other particulars related to patient confidentiality and patient responsibilities.

In the primary care behavioral health model many of these details of treatment are either the primary responsibility of the primary care provider or depending on how a clinic may function, the responsibility of the clinic administration when taking on new patients. However in primary care the standards for informed consent vary greatly, although presentation of patient rights in accordance with federal law (HIPAA) are a consistent legal standard. Therefore many primary care behavioral health practices have more fully developed their new patient registration processes to provide information relevant to the work of behavioral health consultants as part of the medical team, patient rights with respect to their treatment and ownership of confidential medical information and patient responsibilities related to payment. These are often presented to patients at the point of registration or at subsequent points in their care in paper form.

Additionally, behavioral health consultants routinely provide additional information related to informed consent when consulting with a patient for the first time. This may include a brief description of their role on the medical team, limits on confidentiality, notification of documentation practices (e.g. joint record-keeping) and a description of how care is likely to proceed in collaboration with their primary care provider. In concordance with relevant ethical codes such informed consent may need to be repeated over time based on the circumstances of patient care to ensure that patients have a clear understanding of the course of their care. Generally speaking most primary care behavioral health practices do not have separate documentation of informed consent as signed in paper form similar to what occurs in specialty mental health since the relationship that the patient has is to the primary care clinic not primarily with the behavioral health consultant. However it is good practice for such conversations to be documented by behavioral health consultants in the medical record.

While these practices have emerged as part of the development of the primary care behavioral health model professional ethical standards and in some cases state-based regulations have
generally not kept up with practice. As such, program developers need to refer to their local regulations to determine adequate compliance.

1. For a comprehensive review of current standards of practice related to informed consent and other ethical challenges see: [http://www.ncbi.nlm.nih.gov/pubmed/?term=Navigating+the+legal+and+ethical+foundations+of+informed+consent+and+confidentiality+in+integrated+primary+care](http://www.ncbi.nlm.nih.gov/pubmed/?term=Navigating+the+legal+and+ethical+foundations+of+informed+consent+and+confidentiality+in+integrated+primary+care)