

MEMO:

DEPARTMENT OF PUBLIC WELFARE

February 15, 1965

TO: Medical Directors, Superintendents, and Administrators,  
State Schools and Hospitals

FROM: Richard E. Baroman, M. D.  
Director  
Childrens Mental Health Services

SUBJECT: Consent for Medical or Surgical Care

The question has been raised regarding the length of time a consent for medical or surgical care remains valid. The two basic uses of consent for medical or surgical care are:

1. To permit the performance of elective procedures.
2. To place long term general responsibility in the hands of physicians so that they may exercise medical judgment in an emergency.

In the first case, the consent ends when the procedure is completed. In the second case, it will be considered a permanent arrangement unless terminated by the legal guardian.

In the event that permission has been obtained to perform an elective procedure, and following the receipt of permission it has been decided not to do the procedure, the legal guardian should be notified and the permission considered to be terminated.

Parents, of course, should be involved in the planning for elective procedures, whether or not they are the legal guardian. If the parents are not the legal guardian, and object to the performance of the procedure, the procedure should not be performed without further consultation with the legal guardian and the State Medical Director.

re:js

cc: Mr. Morris Hursh  
Mr. Ove Wengenstein  
David J. Vail, M. D.  
Mrs. Frances Ames