

# OSCE revision factsheet

## Requirements for patient consent

To help you prepare for your objective structured clinical examinations (OSCEs), Avant's medico-legal experts have created this revision factsheet on the requirements for obtaining patient consent.

**Kenta Sen**  
Avant student member

### Requirements for patient consent

#### 1. Capacity to make a decision

This refers to the ability to understand the information given, their choices and evaluate the consequences of their decisions. A person may lose their capacity permanently or temporarily, due to accident or illness, pain or medication.

Consent can be given by:

- a competent adult (i.e. someone who is 18 years or older); or
- a mature minor, who has sufficient understanding and maturity to fully understand what is proposed.

If the patient does not have the capacity, obtain consent from the appropriate substitute decision-maker.

#### 2. Disclosure of information – informed consent

The patient must have enough information including an explanation of the benefits, alternatives, risks and complications that may occur with a procedure or treatment.

#### 3. Voluntary

Consent must be given voluntarily and free from undue pressure or coercion.

#### 4. Consent must be specific

Consent must be obtained for each procedure or treatment even if it occurs concurrently.

### The discussion

You are expected to give the patient information (as per the National Health and Medical Research Council Guidelines) about:

- **The proposed approach** – with investigation, diagnosis and management
  - what the approach entails
  - the expected benefits
  - common side-effects and risks of any intervention.
- **Risks** – general, procedure-specific and material risks to a patient (what risks, if any, would be of importance to a patient, considering the patient's circumstances), and what the risks mean for them.

- **Method** – whether the intervention is experimental or conventional.
- **Who** – the name(s) of those performing or undertaking the intervention.
- **Alternatives** – other options for investigation, diagnosis or treatment.
- **Probable outcomes**
  - the degree of uncertainty about the therapeutic outcome.
  - the likely consequences of not choosing the procedure or treatment, or of not undergoing any procedure or treatment at all.
  - any significant long-term physical, emotional, mental, social, sexual or other outcome which may be associated with the intervention.
- **Recovery** – the time involved (including time and limitations within this period).
- **Costs** – all financial aspects of the intervention, including any out-of-pocket expenses. It is best to obtain financial consent separately.

Make sure the patient understands what you have discussed. Ask them to paraphrase the information and ask open questions.

If necessary, use an independent interpreter when discussing the procedure or treatment with the patient and document this.

Ensure each specific risk discussed is documented in the patient's medical record or consent form and document anyone else present during the discussion, such as a family member or support person.

Read the National Health and Medical Research Council Guidelines at:

 [nhmrc.gov.au/health-advice/guidelines](https://www.nhmrc.gov.au/health-advice/guidelines)



## Summary checklist

- Have you disclosed the benefits, alternatives and risks that may occur with the procedure or treatment?
- Have you discussed the general, procedure specific and material risks?
- Does the patient understand their particular material risks?
- Have any issues with the patient's capacity been addressed?
- Have you documented the discussion and any questions raised in the patient's medical record?
- Has the patient signed the consent form or has verbal consent been documented?



## Useful resources

- [Consent: the essentials](#) factsheet
- [Informed consent and communicating information](#) article
- [Children and consent](#) factsheet
- [Substitute decision makers](#) factsheet
- [Student OSCE](#) guide to help you prepare

Visit the **Avant Learning Centre** for resources including case studies, articles, eLearning courses, checklists and webinars.

\*IMPORTANT: The information in this article is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published. Professional Indemnity Products are issued by Avant Insurance Limited, ABN 82 003 707 471, AFSL 238 765. © Avant Mutual Group Limited 2020. MJN-515 12/20 (DT-1745)

For more resources to help you through your medical studies, visit [avant.org.au/avant-learning-centre](https://avant.org.au/avant-learning-centre)