

20<sup>th</sup> April 2023

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## **Informed consent and recent case law**

The topic of informed consent has become increasingly important in recent times, both in terms of ethics and as a duty of law.

**There must be agreement before going ahead with treatment.** In most instances, treatment may only take place if the patient agrees to have the treatment. This goes beyond the written consent that we ask from our clients.

Informed consent is a process by which a fully informed client consents to participate in the bodywork treatment. It originates from the ethical (and legal) right of the client to direct what happens to his/her body, and from the ethical duty of the practitioner/therapist to involve the client in choices related to his/her wellness.

A current NZ court case has found a qigong master of bodywork guilty of inappropriate touching of the breast and other areas of the body. The judge has said that all bodywork practitioners have a duty to ensure that informed consent is obtained throughout any treatment.

### **What is informed consent?**

Informed consent is the process of exchanging information so that a client / consumer can make an informed decision about their healthcare options, including the option of refusing the treatment, procedure, or intervention.

### **Why is it necessary?**

Every competent person has the right to agree or refuse (or withdraw consent) to have a proposed treatment, procedure, or intervention.

To do this a client must be accurately and adequately informed about their condition, the proposed treatment, procedure, or intervention, and be provided with information in a language, style and form that can be easily understood.

Clients also have a right to have another person or persons present to provide support during discussions related to the proposed treatment, procedure, or intervention.

### **When is consent required?**

Informed consent must be obtained for each proposed treatment, procedure, or intervention. In situations where a series of similar treatments or procedures are undertaken (for example BRM1, Pelvic, Sternal procedures), a full discussion will be held prior to the commencement of treatment to obtain consent. Should the agreed plan change significantly, a new consent process will be undertaken.

Note: There are a few situations where individuals may be treated without consent, such as in an emergency or under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

## Summary

As members of Bowen Therapy NZ, we are committed to practising quality Bowen Therapy. To avoid discrimination, strive for excellence, maintain confidentiality, and continue our professional image, we must act in a manner which causes no harm.

For example: Client's who have previously experienced trauma may be triggered by having the Pelvic procedure performed or may "freeze" and not be able to communicate verbally during the session when they are not happy with a treatment on areas of their body. Therefore, any treatment must be explained clearly and agreed upon before beginning treatment.

Informed consent is an essential element in achieving quality Bowen Therapy.