

"First, do no harm." While this popular phrase is not technically part of the Hippocratic Oath, it is one of the most popular guiding principles for healthcare providers. Whatever the intervention or procedure, the patient's well-being is the primary consideration. However, from a legal view, forcing treatment on an unwilling person is no different from punching a person in the face. Healthcare providers may unknowingly subject themselves to civil claims (or even jail time!) when they fail to obtain consent from their patients prior to rendering treatment. Additionally, if a patient doesn't have the mental capacity to give consent, a law suit may lurk around the corner if the provider does not obtain consent from the appropriate individual. To ensure that you are not confused about your responsibilities in obtaining consent, please refer to the Quick Reference Guide to Consent Requirements for Medical Treatment of Adults in Georgia.

If you have additional questions or concerns, please contact:

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Jo has enjoyed an insurance defense practice for many years, representing licensed professionals in all areas of medicine. Her practice is primarily devoted to the defense of a variety of medical specialties including all types of physicians, dentists, nurses, optometrists, pharmacists, psychologists, and professional engineers. Over time, Jo has represented numerous hospitals in Georgia and throughout the South. She also defends long-term acute care facilities and assisted living and skilled nursing facilities, and she routinely represents licensed professionals before their state licensing board.



Anthony has extensive practical experience in the healthcare setting, which greatly benefits the clients he represents in the Medical Malpractice and Dental practice groups. Anthony has been licensed as an Emergency Medical Technician since 2005. In addition to providing emergency and non-emergency medical care in a pre-hospital setting, Anthony has nine years of experience working in various departments in the hospital setting.

CONSENT REQUIREMENTS FOR MEDICAL TREATMENT OF ADULTS IN GEORGIA

Health Care Decisions

The following hierarchy must be followed

1. Adult patient with capacity
2. Health care agent
3. Spouse
4. Adult child
5. Parent
6. Adult sibling
7. Grandparent
8. Adult grandchild
9. Adult niece, nephew, aunt or uncle related to the patient in the first degree
10. Adult friend
11. Temporary medical consent guardian

Disposition of Remains

The following hierarchy must be followed

1. Health care agent
2. Adult identified in an affidavit executed by decedent
3. Spouse
4. Majority of surviving adult children
5. Surviving Parents
6. Majority of surviving siblings
7. Majority of surviving grandparents
8. Guardian of the decedent at the time of death
9. Personal representative of estate
10. Person in the class of next degree of kinship (in descending order)
11. State of Georgia or local municipality
12. Any other person willing to assume the responsibilities

Anatomical Gifts

The following hierarchy must be followed

1. An agent who could have made an anatomical gift immediately before decedent's death
2. Spouse
3. Adult child
4. Parent
5. Adult sibling
6. Adult grandchild
7. Grandparent
8. Guardian of the decedent at the time of death
9. Any other person having the authority to dispose of decedent's body

Autopsy

- Person assuming custody of the body for the purposes of burial
- If more than one person assumes custody of the body, the consent of one person is sufficient legal authorization.

Key Terms

Adult friend

An adult who has exhibited special care and concern for the patient, who is generally familiar with the patient's health care views and desires, and who is willing and able to become involved in the patient's healthcare decisions and to act in the patient's best interest. Must sign and date acknowledgment form attesting to requirements.

Adult with capacity

18 years or older and able to understand the nature and consequences of his or her decision

Health care agent

Any person authorized to give consent for the patient under an advance directive for health care or durable power of attorney for health care

Temporary medical consent guardian

An individual appointed by the Court for a limited time and only for the purposes of consenting to surgical or medical treatment or procedures not prohibited by law

Emergency Exception: When a patient lacks capacity to make a health care decision and a person authorized to consent is not readily available and any delay in treatment could reasonably be expected to jeopardize the life or health of the person affected or could reasonably result in disfigurement or impaired faculties, treatment may proceed because it is an emergency. The treatment is limited to treatment or procedures that, according to competent medical judgment, are reasonably necessary.

For more information, please contact:

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