

WHAT IS ELECTROCONVULSIVE THERAPY (ECT)?

Electroconvulsive Therapy (ECT) is a medical procedure, done under general anesthesia, in which electrodes are placed on the patient's scalp and small electric currents are passed through the brain, intentionally triggering a brief seizure. It is most commonly used in patients with severe major depression or bipolar disorder that have not responded to other treatments.

WHO CAN I TALK TO BEFORE RECEIVING ECT?

Prior to giving consent for ECT treatment, you have the right to:

- Consult other doctors or mental health professionals
- Talk with an attorney
- Talk to your family members
- Talk to your guardian
- Speak with others who have had ECT treatment

WHAT CAN I DO IF I THINK MY RIGHT TO GIVE INFORMED CONSENT IS BEING VIOLATED?

- Inform hospital staff
- Tell your family members
- Request to speak with an attorney
- Contact a local mental health advocate

Advocacy assistance and referrals are available through Disability Rights SD.

Disability Rights
South Dakota

Contact us:

1-800-658-4782

-OR-

605-224-8294

Visit us online:

www.drSDLaw.org

The purpose of this brochure is to inform, not advise. If you have questions about this information, please contact an attorney. You can also contact an advocate with the PAIMI Program. Other formats of this brochure can be made available upon request.

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social media!**



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Statutory References: South Dakota Codified Laws 27A-12-3 through 27A-12-3.18 and 34-12C-6.

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Disability Rights
South Dakota

ELECTROCONVULSIVE THERAPY (ECT)

Informed Consent

Know Your Rights!

A publication of the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Program

**Disability Rights South Dakota
(DRSD)**

1-800-658-4782

www.drSDLaw.org

WHAT IS INFORMED CONSENT?

INFORMED CONSENT means a person knowingly and willingly agrees to undergo a particular treatment

INFORMED CONSENT contains three main elements:

- (1) **voluntary**,
- (2) **knowledge**, and
- (3) **capacity**.

VOLUNTARY – the person must be free from all threats or coercion in making their decision for treatment. Voluntary also means that a person can withdraw their consent at any time.

KNOWLEDGE – the person has been given the following information about ECT treatment:

- (1) Alternative forms of treatment;
- (2) Possible risks associated with ECT;
- (3) Expected benefits of ECT treatment;
- (4) How the treatment is administered;
- (5) Potential outcome if ECT is not administered.

The person must be provided this information in a language they understand, be provided time to study it if necessary, and be able to ask hospital staff and their doctor any questions regarding it.

CAPACITY – the person has the mental ability to understand the information, consider the risks and benefits, and make an informed decision.

IS A WRITTEN CONSENT FORM FOR ECT TREATMENT REQUIRED?

YES.

INFORMED CONSENT must be in writing. The form must contain the following information:

- The expected benefits of ECT treatment;
- The way the treatment is to be administered;
- The possible risks and side effects to ECT treatment;
- Alternative treatment methods;
- The probable consequences of not receiving ECT treatment;
- The period of time for which the consent is effective; and
- The right to withdraw consent at any time.

The person receiving ECT treatment must **sign and date** the written consent form.

A COPY OF THE SIGNED WRITTEN CONSENT FORM MUST BE MADE AVAILABLE TO THE PERSON UPON THEIR REQUEST.

WHO MAY CONSENT TO ECT TREATMENT?

The Person Receiving Treatment - may give informed consent for ECT.

A Physician - may administer ECT in an emergency where the person's life is threatened, the person is incapacitated, and there is no time to obtain consent or a court order. A physician may also order ECT treatment (for one 10-day period) in a non-emergency situation.

RIGHT TO REFUSE TREATMENT

In a non-emergency situation, a person may refuse ECT treatment. It is then the doctor's responsibility to request an order for ECT treatment.

The Court or County Board of Mental Illness - may order ECT treatment if the facility/doctor shows the person:

- (1) Is a harm to self or others;
- (2) Is incapable of consent;
- (3) Will deteriorate significantly or will not improve without the treatment.

If the Person Receiving Treatment is Incapacitated -

- A court appointed guardian;
- an attorney-in-fact through a power of attorney; or
- any other source with authority to give consent may give substituted informed consent.