

1 "Sufficient information relating to the proposed
2 electroconvulsive treatment" means information provided to the
3 patient including, but not limited to, the following:

4 (1) The reason for the treatment;

5 (2) The nature of the procedures to be used in the
6 treatment, including its probable frequency and
7 duration;

8 (3) The probable degree and duration of improvement or
9 remission expected with or without the treatment;

10 (4) The nature, degree, duration, and probability of the
11 side effects and significant risks of the treatment
12 commonly known by the medical profession, especially
13 noting the possible degree and duration of memory
14 loss, the possibility of permanent irrevocable memory
15 loss, and the remote possibility of death;

16 (5) The reasonable alternative treatments and the reasons
17 for the physician's recommendation of
18 electroconvulsive treatment;

19 (6) The patient's right to refuse or accept the proposed
20 treatment and the right to revoke consent for any
21 reason at any time, either orally or in writing; and



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1 (7) The difference of opinion existing within the medical
2 profession on the use of electroconvulsive treatment.

3 "Written informed consent" means consent to the proposed
4 electroconvulsive treatment that a person knowingly and
5 intelligently, without duress of any sort, clearly and
6 explicitly manifests to the treating physician in writing and
7 that is otherwise given in compliance with this chapter.

8 § -2 **Physician to provide information for written**
9 **informed consent.** At any time prior to performance of
10 electroconvulsive treatment, a physician shall provide the
11 patient with sufficient information relating to the proposed
12 electroconvulsive treatment to enable the patient to give
13 written informed consent to the proposed electroconvulsive
14 treatment. The written informed consent shall be given by the
15 patient on a standard written consent form to be prepared by the
16 department of health and shall be valid for a maximum number of
17 treatments over a specified period of time.

18 § -3 **Restrictions on electroconvulsive treatment; rights**
19 **of minors.** (a) Electroconvulsive treatment shall not be
20 performed on a minor under sixteen years of age.



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1 (b) Electroconvulsive treatment may be performed on a
2 minor who is sixteen years of age or older but under eighteen
3 years of age only if the treatment is performed with the
4 concurring approval of two physicians who specialize in
5 psychiatry and a parent or guardian of the minor.

6 (c) Electroconvulsive treatment may be performed on a
7 person who is eighteen years of age or older only if two or more
8 physicians who specialize in psychiatry determine that the
9 treatment is the most preferred form of treatment.

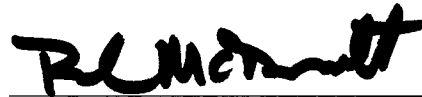
10 § -4 **Relation to other laws.** Nothing in this chapter
11 shall apply to any person unable to exercise written informed
12 consent due to a developmental disability or mental health
13 disorder."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 17 2019



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Report Title:

Electroconvulsive Treatment; Prohibitions; Restrictions; Age

Description:

Prohibits or restricts the use of electroconvulsive treatment on persons depending upon their age.

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