

13-1104A. Informed consent.

A doctor has a duty to obtain the patient's informed consent [, or the patient's representative's informed consent,] to [treatment] [an operation]. For consent to be valid, it must be based upon information which a reasonably prudent patient would need to know in deciding whether to undergo the [treatment] [operation].

USE NOTES

This instruction should be given where the patient claims lack of informed consent. See UJI 13-1109A NMRA for an instruction relating to lack of consent to the treatment rendered.

UJI 13-1104B NMRA must be given with this instruction. UJI 13-1104C NMRA should be given with this instruction where appropriate. Where the patient is a minor or is incapacitated, the bracketed reference to the patient's representative should be included in the instruction.

UJI 13-1116A and 13-1116B NMRA address the element of causation that is a necessary part of a claim of lack of informed consent. One of those instructions should be given with this instruction.

[Adopted effective January 1, 1987; UJI 13-1104C SCRA 1986; as amended November 1, 1991; as amended and recompiled effective August 15, 1997; approved, effective February 24, 1998; as amended by Supreme Court Order No. 08-8300-033, effective November 24, 2008.]