

Informed Consent *Continued*

planations remain the responsibility of the physician. The nurse's duty is to notify the physician of the patient's lack of comprehension, or, alternatively, to make the problem known to the nursing administrator who has the authority to deal with the matter. And since the nurse's first duty is to watch out for the patient's welfare, the governing principle should not be concern with form, but rather concern that the patient fully understands the nature of the procedure.

References

1. *Mitchell v. Robinson*, 334 S.W.2d 11 (Mo. 1960); *Martin v. Bralliear*, 540 P.2d 111 (Colo. 1975).
2. *Dunham v. Wright*, 423 F.2d 940 (3d Cir. 1970); *Young v. Group Health Cooperative of Puget Sound*, 534 F. Supp. 776 (D. Ark. 1976).
3. *Forney v. Memorial Hospital*, 543 S.W.2d 705 (Tex. 1976).
4. *Cooper v. Curry*, 589 P.2d 201 (N.M. 1979).
5. *Roberson v. Menorah Medical Center*, 588 S.W.2d 134 (Mo. 1979).
6. However, in a 1966 case involving a "novel and unorthodox" treatment, a New York court did hold a hospital liable for failure "to ascertain that the physician had made such a disclosure before permitting the operation to take place." *Fiorentino v. Wengen*, 272 N.Y.S.2d 557 (App. Div. 1966). And in the famous case, *Cobbs v. Grant*, 8 Cal. 3d 229, 502 P.2d 1 (1972), the hospital paid a jury verdict rather than appeal.
7. Holder, A.R., *What Commitment Is Made by a Witness to a Consent Form?* IRB 1(7):7 (November 1979).
8. Vaccarino, J.M., *Consent, Informed Consent and the Consent Form*, NEW ENG.

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(February 23, 1978).

9. 45 C.F.R. § 46.110.

10. CALIFORNIA HEALTH AND SAFETY
CODE §§ 24170-24179.5, at 24173(d).

11. VA. CODE Ch. 13 §§ 37.1-234-37.1-238,
at 37.1-235.

12. *Hiatt v. Groce*, 523 P.2d 320 (Kans.
1974); *Utter v. United Hospital Center*, 236
S.E.2d 213 (W. Va. 1977).

Dear Mary *Continued*

Your sister may wish to report her therapist to the appropriate licensing body. If she does, she will probably need moral support because the emotional attachment between a therapist and patient makes it very difficult to take this kind of action.

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