

### **13-1105. Consent.**

Consent may be express or implied. Consent is express when written or spoken. Consent is implied when the conduct of the [patient] [patient's representative] or the failure of the [patient] [patient's representative] to object would lead a reasonable person to believe that the [patient] [patient's representative] had consented.

#### USE NOTES

This instruction is to be given if there is an issue as to whether consent was given. The appropriate choice - "patient" or "patient's representative" - should be made from the bracketed terms.

[As amended, effective January 1, 1987; August 15, 1997; approved, effective February 24, 1998.]