### IDJI 2.12.5 – Informed consent defined

INSTRUCTION NO.\_\_\_

 In order to be a valid consent, the consent must be an informed consent. This means that the physician must reasonably disclose and advise the patient [or the person acting on the patient's behalf] of all pertinent facts so as to permit the giving or withholding of consent to be a reasonably informed decision.

 The phrase "all pertinent facts" means the disclosure of facts and giving of medical advice concerning the nature of the proposed treatment, the need for it, and the significant risks ordinarily attendant upon such treatment, which would ordinarily be made and given under similar circumstances by like physicians of good standing and practicing in the same [a similar] community, to a patient in the same circumstances as the plaintiff in this case.

Comment:

 Idaho Code § 39-4304