### IDJI 2.12.1- Consent to medical treatment

INTRODUCTION

The suit based upon lack of consent is an action for battery, not negligence. However, the subsidiary issue of care in an emergency, if such issue is in the case, may be dependent upon negligence for determination. (See I.C. § 39-4301 *et seq.,* for statutory provisions on medical consent.) Issues pertaining to lack of informed consent are presented in the next series of instructions. The particular instructions relevant to the case should be given.