



**Behavioral Health and  
Developmental Disabilities Administration**

Communication #20-09

**COVID-19 Testing Guidelines for Individuals who may be Sensitive to Testing or have  
Decision-Making Challenges**

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***For Questions Please Contact:***

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**Regarding whether consent is needed to test for COVID-19 for residents/patients in a  
psychiatric hospital, unit, AFC setting, nursing home, home for the aged, or other  
settings where vulnerable populations are found:**

This is a topic of ongoing discussion that will continue to evolve with new public health mandates and orders.

Informed Consent is required for testing. Informed consent may be secured in a written form or verbally. When a person is asked to submit to a COVID-19 test, it is important to remember that adults of sound mind are permitted to refuse medical procedures. Proper informed consent needs to include an explanation of the risk of such refusal and the benefits of the intervention. Similarly, psychiatric patients and all adults are presumed competent, and therefore should be allowed to decline testing as well, presuming their decision-making is sound and has not been adjudicated otherwise.

If a patient has impaired decision-making, based on an appropriate clinical assessment, a legally authorized decision-maker (e.g., a guardian or parent) should be consulted and may consent on behalf of the assenting patient. Without assent, even with a substitute decision-maker, the risks and benefits of the procedure may not lead to a lifesaving or a perfect result. Mandatory, involuntary testing has risks of its own and is not supported at this time.

Also, testing may have false positive and false negative results and results should be interpreted within a broader clinical context. Precautions must still be taken to protect others if an individual opts out of testing, and these precautions should be developed, in light of the latest CDC and State of Michigan guidelines with local supports through Local Health Departments, Community Mental Health and any other relevant systems in care delivery. They should take into account the nature of the living situation in terms of spaces for quarantine, whether the person is asymptomatic with no known COVID-19 exposure, symptomatic or a person under investigation, and their ability and willingness to wear a mask (i.e., some

individuals may have medical or behavioral health conditions that interfere with mask wearing, some settings may not have the possibility of separate rooms).

There should be ongoing education and dialogue with the individual and their legally authorized decision-maker over time regarding COVID-19, the value of testing and virus risk reduction precautions, while treating the any underlying health conditions.

General Guidelines:

- 1) Provide information about testing:
  - a. Explain what the testing is and how the procedure will be performed
  - b. Step-by-step explanation of what testing entails (e.g., gathering sample, sending to a lab for results)
  - c. Information about what will happen with the results (e.g., help determine the need for further steps to reduce viral spread)
  - d. Risks of the testing/Risks of not getting tested
- 2) Assess whether individual is an individual who requires decision-making supports
  - a. Does the individual have a guardian?
  - b. If a minor, does the individual have proper parental authorization?
- 3) If individual has a legally authorized decision-maker, has that person authorized the testing either verbally or in writing?
  - a. If yes, proceed with testing if individual assents (agrees in actions)
  - b. If yes, but the individual is not assenting, do not proceed with testing. Consider further education about testing.
  - c. If no, do not proceed with testing.
- 4) If individual is legally authorized to make their own decisions, are they agreeable to being tested and indicated as such through either verbal or written consent?
  - a. If yes, proceed with testing
  - b. If no, do not proceed with testing. Consider further education and re-approach at a later time.

Individuals should be thanked for participation in testing and considering testing, with a reminder that testing is a way to help determine where COVID-19 exists and to help providers manage and support the individual as well as others who might be at risk for developing COVID-19 infection.

**Reviewed by:** Behavioral Health COVID-19 Response Team (BHCRT): Jeffery Wieferich, Larry Scott, Belinda Hawks, Kim Batsche-McKenzie, Jody Lewis, Price Pullins, Jon Villasurda, Leslie Asman, Raymie Postema, Dr. Debra Pinals, Allen Jansen

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