



Section 1: Administrative / Medical Control

GUIDELINE/PROCEDURES: CONSENT AND REFUSAL OF CARE GUIDELINES

PURPOSE

To provide:

- Rapid emergency EMS transport when needed.
- Protection of patients, EMS personnel, and citizens from undue risk when possible.
- Method to document patient refusal of care.

A COMPETENT patient is defined as having the capacity to make an informed medical decision and is alert to person, place, time and event.

An INCOMPETENT patient will lack the capacity to do so.

PROCEDURES - ADULT Consent:

Two types apply:

Express Consent, where a conscious, oriented (to person, place and time) adult (over 18 year old) gives the EMS provider permission to care for him. This may be in the form of a nod, verbal consent or gesture after the intended treatment has been explained.

Implied Consent occurs when a person is incapable of giving their permission for treatment due to being unconscious or lacks the capacity to make an informed medical decision. It is assumed that their permission would be given for any life saving treatments.

Refusal of Treatment:

An adult patient who has the capacity to make an informed medical decision, may refuse treatment even after calling for help. The person must be informed that they may suffer loss of life, limb or severe disability if they refuse care and transport, and sign a Release indicating that they understand this. If the patient refuses to sign, a witness at the scene, preferably a relative should sign. Documentation of the events must be clearly made. It also must be documented on the run sheet that the person is oriented to person place and time, and a set of vital signs should be obtained if at all possible. An offer to return and transport them at a later time should be made by EMS. Contact with Medical Control should be made if there is any question about the person's mental capacity to make an informed decision. If the need for treatment is obvious, speaking directly to the Nurse or Physician may assist in convincing the patient to be transported.

While an adult may refuse treatment, in some situations, their capacity to make an appropriate and informed medical decision may be compromised. In the following situations, the refusal of treatment may not be valid.

- Patients showing altered mental status due to head trauma, drugs, alcohol, psychiatric illness, hypotension, hypoxia, or severe metabolic disturbances.
- Violent patients.
- Uncooperative minors.



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GUIDELINE/PROCEDURES: CONSENT AND REFUSAL OF CARE GUIDELINES-cont.

PROCEDURES – MINORS CONSENT

Consent to treat Minors (under the age of 18 years in Ohio), must be obtained from the parent or guardian with two exceptions; there is need for life saving immediate treatment which should be given to the point of it being considered elective; or the Minor is emancipated; ie: married, living on their own, or in the armed forces and may give permission themselves.

Refusal of Treatment:

A minor might refuse to cooperate with the EMS crew, or the minor's parent or guardian may refuse to consent to necessary treatment of the minor. A minor under the age of 18 years may not refuse treatment in Ohio. Transport should be initiated unless the parent or legal guardian refuse treatment on behalf of the minor. A circumstance may occasionally arise where the patient is a minor and there is no illness or injury, yet EMS has been called to the scene. If the responsible person is not able to be at the scene, it is acceptable for contact to be made by telephone. If care and transport is refused by the parent or guardian, TWO witnesses should verify this, and this shall be documented and signed by both witnesses on the run sheet. A request may be made that the person come to the fire station as soon as possible, to sign the release. A second circumstance may occur when the minor patient really needs to be transported and the parent or guardian is refusing transport. In this case, action must be taken in the minor's best interest. This is described in the following section, incompetent refusal.

Invalid Refusal:

- Parent / guardian refuses to give consent for treating their child when the child's life or limb appears to be at risk.
- Parent / guardian refuses to give consent where child abuse is suspected.
- Suicidal patients – any age.

In all such cases, contact with Medical Control and a Physician is **mandatory**, as the patient may have a life - threatening problem and is in need of medical care. The involvement of the Police in these situations is often necessary and crucial. They may assist the EMS crew with transport as ordered by the On-line Physician. This is described in the Ohio Revised Code, Section 5122.10.

TRANSPORTATION

Destination Refusal:

There may be EMS calls where the EMS unit is unable to transport patient to their destination of choice. If the patient has the capacity to make an informed medical decision refuses this, and is in stable condition, a private ambulance may be called to take the patient. The responding EMS unit must stand by until the private EMS providers arrive and assume care of the patient.