

PURPOSE:

The purpose of this policy is to provide procedures for emergency medical services (EMS) personnel to follow when patients, parents, or legal representative refuse indicated medical treatment or ambulance transport.

AUTHORITY: Health and Safety Code, Division 2.5, Sections 1797.220, 1798 et seq.,

DEFINITIONS:

- A. "Adult" means a person eighteen years of age or older, or an emancipated minor.
- B. "Minor" means a person less than eighteen years of age who is not emancipated.
- C. "Emancipated Minor" means a person under the age of 18 years that is:
 - 1) Married or previously married;
 - 2) On active military duty;
 - 3) A court decreed emancipated minor, which may be verified by Department of Motor Vehicles (DMV) identification card.
- D. "Medical decision-making capacity" is the ability of a patient to understand the benefits and risks of, and the alternatives to, a proposed treatment or intervention (including no treatment).
- E. "Emergency" means a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by EMS personnel or a public safety agency.
- F. "Implied Consent" means a type of consent involving a presumption that an unconscious or incapacitated person would consent to life or limb saving care. Implied consent includes non-emancipated minors with an emergency condition when a parent or legal representative is unavailable.
- G. "Against Medical Advice (AMA)" the act of a patient, parent or legal representative declining or refusing indicated medical treatment or transport.

POLICY:

- I. An adult or an emancipated minor with the capacity to make medical decisions who is experiencing an emergency has the right to determine the course of their own medical care including the right to refuse indicated treatment or ambulance transport.
- II. If an adult or an emancipated minor with the capacity to make medical decisions refuses treatment or transport from the scene, EMS personnel shall advise the patient of the risks and potential consequences of refusing indicated treatment or

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transport. In all such instances, EMS personnel shall advise the patient to seek immediate medical care.

- III. A patient determined by EMS personnel to not have medical decision-making capacity, or a patient who is a minor, or a patient who is unconscious or incapacitated may not refuse care or be released at scene if an emergency exists and shall be treated under implied consent.
- IV. EMS personnel may release at scene an adult or emancipated minor when no emergency exists if the person refuses treatment or transport, including persons that are in law enforcement custody. EMS personnel shall ensure that persons released at scene are in a safe environment.
- V. EMS personnel are prohibited from performing a medical screening exam to medically clear suspects prior to transport of the suspect by law enforcement to jail.

PROCEDURE:

- I. If an adult or emancipated minor with medical decision-making capacity refuses indicated emergency evaluation, emergency treatment such as a medication or a procedure, ambulance transportation, or after completing a primary and secondary patient assessment and determining that no medical need exists including that a patient's underlying medical condition does not appear to require immediate medical assistance EMS personnel shall:
 - A. Advise the patient of the risks and consequences which may result from refusing medical evaluation, treatment, or ambulance transport.
 - B. Have the patient or legal representative sign a refusal of care AMA form. The signature shall be witnessed, preferably by a family member. A patient or legal representative's refusal to sign the AMA form should be documented on the patient care record.
 - C. Advise the patient that they may re-contact 9-1-1 if their situation changes.
 - D. Document the patient refusal of treatment (medication or procedure) on the patient care record, include assessment findings and decision making capacity.
- II. If EMS personnel determine that a patient with an emergency does not have medical decision-making capacity to refuse evaluation, treatment, or transport, the following alternatives exist:
 - A. Patient should be transported to an appropriate facility under implied consent.

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- B. If the patient resists or the EMS personnel believe the patient will resist, assistance from law enforcement should be requested.
- C. If a legal guardian is refusing indicated treatment or transport, EMS personnel may contact the Base Hospital Mobile Intensive Care Nurse (MICN) to assist in advising of risk and consequence of denial of treatment.
- D. At no time are field personnel to put themselves in danger by attempting to transport or treat a patient who refuses. At all times, good judgment should be used and appropriate assistance obtained.

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