

Southern Illinois Regional EMS System

A-6.1 PATIENTS RIGHT OF REFUSAL

ALS/ILS/BLS

Consent:

- The patient has the responsibility to consent to or refuse treatment. If he/she is unable to do so, preference can be verbally made on behalf of the patient by authorized persons.
 - Those consist of:
 - Legal guardian
 - A parent for a minor patient
 - A health care power of attorney agent
 - A spouse or other relative on the scene has no independent legal authority to give or withhold consent on behalf of a patient.
- While waiting to obtain lawful consent, the patient presents with a serious risk of death, serious impairment of health, or waiting would prolong severe pain or suffering of the patient, treatment may be undertaken to avoid those risks without consent.
 - In no event should legal consent procedures be allowed to delay immediately required treatment.
- In nonemergency cases, consent should be obtained from a patient or from a responsible party prior to undertaking any treatment.
- Age capable of refusal:
 - Patient must be over 18 years of age.
 - Between 15 and 18 years and emancipated:
 - Living apart from his/her parents
 - If the patient is under age, consent should be from:
 - Natural parent
 - Adopted parent
 - Legal guardian

Mental Competence:

- A person is mentally competent if he/she:
 - Is capable of understanding the nature and consequences of the proposed treatment.
 - Has sufficient emotional control, judgment and discretion to manage his/her own affairs.
- Ascertaining that the patient is oriented, has an understanding of what happened and may possibly happen if treated or not treated, and a plan of action (such as whom they will call for transportation) should be adequate for these determinations.
- Patients with impaired cerebral perfusion, in shock, postictal, or under the influence of drugs will be unlikely to fulfill these criteria.
- If the patient is not mentally competent under these guidelines, consent should be obtained from another responsible party:
 - Who must also be mentally competent
 - Must be 21 years of age

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- And in the following order of preference:
 - Legal guardian
 - Spouse
 - Adult son or daughter
 - Parent
 - Adult brother or sister
- If the patient is not mentally competent and none of the above persons can be reached, the patient should be treated and transported to a medical facility. It is preferable under such circumstances to obtain concurrence of a police officer in this course of action.
- If the patient is not competent to consent and a responsible person is present, and if that responsible person is of age and competent, he or she has the same right to consent or refuse treatment as the patient himself. His/her wishes cannot be ignored in a non life-threatening situation.

Procedure for Refusal:

- If a patient wishes to refuse either treatment, examination, or transportation, the following steps will be taken:
 - The EMT will complete a system approved “Patient Refusal Checklist” that includes the assessment of:
 - General impression
 - Level of consciousness
 - Possibility of head injury
 - Possibility of patient being under the influence of drugs and/or alcohol
 - Vital signs
 - Medical control shall be contacted for orders when:
 - The condition indicates medical care is needed
 - The patient is incompetent
 - And/or refusal of treatment and/or transport could further harm the patient
 - The patient will be provided with a “Refusal Information Sheet”
 - The patient refusal checklist and information sheet will be kept on file with the run report at the provider service agency.

Patient Request for Hospital Destination:

- Follow Regional Bypass Policy for Hospital Destination.