

**PURPOSE:**

Establish guidelines for the management and documentation of situations where patients refuse treatment or transportation.

**Refusal of care**

There are three components to a valid refusal of care. Absence of any of these components will most likely result in an invalid refusal. The three components are as follows:

1. Competence: In general, a patient who is an adult or a legally emancipated minor is considered legally competent to refuse care. A parent or legal guardian who is on-scene or available by phone, may refuse care on his or her minor children's behalf.
2. Capacity: In order to refuse medical assistance a patient must have the capacity to understand the nature of his or her medical condition, the risks and benefits associated with the proposed treatment, and the risks associated with refusal of care.
3. Informed Refusal: A patient must be fully informed about his or her medical condition, the risks and benefits associated with the proposed treatment and the risks associated with refusing care.

Patients who meet criteria to allow self-determination shall be allowed to make decisions regarding their medical care, including refusal of evaluation, treatment, or transport. These criteria include:

1. Adults ( $\geq 18$  years of age or a legally emancipated minor).
2. Orientation to person, place, time, and situation.
3. No evidence of altered level of consciousness resulting from head trauma, medical illness, intoxication, dementia, psychiatric illness or other causes.
4. No evidence of impaired judgment from alcohol or drug influence.
5. No language communication barriers. Reliable translation available (e.g., on scene interpreter, language line).
6. No evidence or admission of suicidal ideation resulting in any gesture or attempt at self harm. No verbal or written expression of suicidal ideation regardless of any apparent inability to complete a suicide.

EMS providers will make every reasonable effort to convince reluctant patients to access medical care at the emergency department via the EMS system before accepting a Refusal of Care.

Consider on-line medical control for all patients who present a threat to themselves, present with an altered level of consciousness or diminished mental capacity, or have history or examination findings consistent with a high-risk refusal.

The on-line medical control provider should be provided with all relevant information and may need to speak directly with the patient by radio or preferably a recorded landline. The physician should determine if protective custody is to be pursued in consultation with the Law Enforcement.

Policy Continues 


 Policy Continued

If the patient is intoxicated and in need of medical treatment or protective custody, and refuses care, police can take custody of the individual under [NH RSA 172](#) and [172:B3](#).

Examples of high-risk refusals include but are not limited to:

1. Treated / resolved hypoglycemia.
2. Patient with obvious head trauma and taking anticoagulant medications.
3. Intoxicated patients.
4. Abnormal vital signs.
5. Treated / resolved narcotic overdose.
6. High risk mechanism of injuries, see [Spinal Injury Protocol 4.5](#).
7. Patient / witness reports suicidal ideations.
8. Possible Brief Resolved Unexplained Event see [BRUE Protocol 2.5](#).

### Procedure

1. Clearly offer the patient both treatment and transportation to the hospital and document the offer in your Patient Care Report.
2. Perform an assessment of the patient's mental capacity and, to the extent permitted by the patient, a physical exam including vital signs. Your assessment, or the patient's refusal of care, must be fully documented in your Patient Care Report
3. Explain to the patient the nature and severity of his/her illness or injury, the treatments being proposed, the risks and consequences of accepting or refusing treatment, and the potential alternatives. Fully document the explanation given to the patient in your patient care report.
4. A parent or legal guardian may refuse care for a minor or:
  - When a parent or legal guardian is not reasonably available, another adult family member (e.g., grandparent), or other authorized representative having custody of the minor, may refuse care.
  - EMS personnel may accept a telephonic refusal of care, provided that they have explained the consequences of refusing care; telephonic refusal of care should be carefully documented.
5. Prepare and explain the Refusal of Care form to the patient (or, in the case of a minor patient, the patient's parent, legal guardian, or authorized representative).
6. The Refusal of Care form should be signed by the patient (or, in the case of a minor patient, by the minor patient's parent, legal guardian, or authorized representative) at the time of the refusal. The form should also be dated and, where possible, signed by a witness, preferably a competent relative, friend, police officer, or impartial third person.
7. If on-line medical control was consulted for a refusal of care, obtain and document the provider's name in the patient care report.
8. All patients in police custody retain the right to request transport. This should be coordinated with law enforcement.
9. If child or adult abuse and/or neglect is suspected and a refusal of care situation exists, the EMT provider must contact police immediately, see [Victims of Violence 8.19](#)