



Portage County EMS Patient Care Guidelines

Refusal of Care

This Clinical Standard describes how a patient may make an informed decision to accept or refuse evaluation, treatment and/ or transport

Note:

All patients who themselves, or through a third party, have summoned emergency medical assistance within the Portage County EMS system are presumed to have a condition requiring evaluation, treatment and transportation to the closest appropriate hospital emergency department. Patients have the right to refuse part or all of the evaluation, treatment and transport if they have decisional capacity

Definitions:

- "Decisional Capacity" - means a patient that is able to understand their current medical condition, as well as, the risks, benefits and alternatives of the proposed treatment plan and has the legal ability to provide consent (e.g. is not either a minor who has not been emancipated or an adult who is known to have been adjudicated incompetent by a court)
- "Expressed Consent"- exists when a patient (adult or emancipated minor), with decisional capacity, agrees to or requests evaluation, treatment and/or transport
- "Implied Consent"- exists when a patient's current medical condition prevents them from being able to provide expressed consent or when a third party is not present to provide Third Party Consent.
- "Third Party Consent"- means a parent/guardian of a minor, power of attorney, legal guardian of an incompetent adult, law enforcement officer or healthcare surrogate, as appropriate, who may accept or refuse evaluation, treatment and/or transport on behalf of a minor, detained/incarcerated person, or a person determined to be legally incompetent

BLS/ALS:

- Evaluate all patients to the fullest extent indicated if possible and determine if the patient or a third party is the appropriate decision maker.
- If the patient does not appear to have decisional capacity, proceed with evaluation, treatment and transport under implied consent
- If the patient appears to have decisional capacity, they may refuse all or part of the indicated evaluation, treatment, recommended destination and/ or transport
- If the patient has questionable decisional capacity, administer an EMS Cognitive Evaluation. If the patient passes, they may refuse except as indicated in the EMS Cognitive Evaluation. If the patient fails, proceed under implied consent.
- In cases involving Third Party Consent, ensure the responsible party has decisional capacity prior to allowing decisions to be made on behalf of the patient. Document the third parties'

relationship to the patient. If there is doubt as to whether the third party is acting in the patient's best interest (e.g. abuse or neglect) immediately involve law enforcement.

- Documentation for a patient refusing part or all of the evaluation, treatment and transport must include at a minimum:
 - The benefits of allowing care
 - The risks of refusing the proposed care including severe complications or death
- The alternatives explained and offered to the patient
- Attempt to ensure the patient is left in a safe location

Online Medical Control:

- Contact Online Medical Control if:
 - After passing the EMS Cognitive Evaluation, doubt remains as to a patient's decisional capacity, or if the patient's current medical condition (e.g. hypotension, hypoxia, head injury, etc.) calls into question their decisional capacity despite having passed the EMS Cognitive Evaluation
 - A decisional patient refuses transportation to a recommended specialty care destination (see Destination Determination Policy)
 - Other unusual situations where the correct course of action is not apparent based on the criteria contained within this standard

Quality Measures:

- Vital signs documented appropriate to chief complaint and patient condition
 - Ideal to include BP, HR, RR, and GCS; and repeat set of vital if applicable
- Was a Chief Complaint documented?
- Were the Medical History, Medications, and Allergies of the patient documented?
- Witness Signature Obtained
- Narrative >150 Characters

Narrative to include "Decisional Capacity" assessment

EMS COGNITIVE EVALUATION

Administer and document the EMS Cognitive Evaluation as indicated

Minimum Passing Score = 21

Maximum Score = 26

Question or Task	Points	Points
1. What is the Year? Season? Month? Day of Week? Patient's Birthday?	5	
2. Where are we? Street? City? State? Country?	5	
3. The evaluator will name three objects. Repeat the name of the three objects three times. Ask the patient to repeat the name of the three objects after 3 seconds	3	
4. Begin with the number 100 and ask the patient to count backwards by five for at least five numbers (e.g. 100, 95, 90, 85, 80) OR as them to spell "world" backwards	5	
5. Ask the patient to repeat the names of the three objects from Question #3	3	
6. Show the patient a pen and a watch. Ask the patient to name them.	2	
7. Ask the patient to repeat "no ifs ands or buts"	1	
8. Ask the patient to follow a three stage command (e.g. "take this paper in your right hand, hold it and then place it on the floor/ ground")	2	
Total Points	26	

Date of Origin: September 2018 Date of This Revision: September 2018 Date of Review:	Medical Director Approval: Electronically signed: Michael Clark, MD
--	--