

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

CONSENT, INFORMING OBLIGATION AND REFUSAL OF HEALTH CARE TREATMENT
Title 15, Section 1434

Authority:

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Purpose:

To establish a process for obtaining consent and refusal of health care from the youth and/or parent/guardian for general health care services for youth in the Juvenile Detention and Assessment Centers (JDACs) and Treatment Facilities (TFs).

Definitions:

Informed Consent: Agreement by a patient or guardian to a treatment, examination, or procedure after the patient or guardian receives material facts about the nature, consequences and risks of the proposed treatment, examination, or procedure; the alternatives to it; and the prognosis if the proposed intervention is not undertaken.

Person standing in loco parentis: An individual who assumes parental roles and responsibilities to care for or financially support a child, including but not limited to; day to day care, food, shelter, medical care, and education.

Responsibilities:

- I. Chief Medical Officer/Physician/Provider:
 - A. Obtain informed consent for procedures and treatment that go beyond routine and verbal consent from youth for procedures/treatments performed in a medical clinic.
- II. Health Services Manager:
 - A. Ensure the Court Order Permitting Medical Examinations, Immunizations and Medical Treatment–Medical Consent and the Order Permitting the Administration of Psychotropic Medications–Medical Consent are renewed annually.
- III. Supervising Correctional Nurse I/II:
 - A. Assist the off-site physician/providers in obtaining informed consent as requested.
 - B. Depending on the seriousness of the treatment to be rendered, contact the Watch Commander (WC) for assistance in contacting the parent/guardian or person standing in loco parentis if previous attempts were unsuccessful.
- IV. Correctional Nurse I/II, Licensed Vocational Nurse I/II:
 - A. Obtain consent from youth as outlined in the California Minor Consent and Confidentiality Laws via Youth Consent for Medical Treatment form.
- V. Office Assistant III:
 - A. Provide the Medical Consent Permitting Medical Examinations, Immunizations, and Medical Treatment form to the Probation Corrections Officer (PCO) in visiting for new and expiring general consents.

VI. Probation Corrections Officer (PCO) for Visiting:

- A. Attempt to obtain signature of the parent/guardian or person standing in loco parentis on two (2) copies of the Medical Consent Permitting Medical Examinations, Immunizations and Medical Treatment form as requested by Medical Services and return the signed forms to Medical Services.
- B. Sign the form as a witness after the parent/guardian or person standing in loco parentis has signed the consent.

VII. Probation Officer (PO I/II/III):

- A. Will be contacted by the Supervising Nurse, Watch Commander, Division Director II or designee to obtain consent if previous attempts were unsuccessful.
- B. May provide transportation for parent/guardian or person standing in loco parentis to obtain consent.

VIII. Forensic Adolescent Services Team (FAST):

- A. Obtain consent from the youth or the parent/guardian or person standing in loco parentis for any mental health services. The original signed form shall be placed in the health record.
- B. If a parent/guardian or person standing in loco parentis refuses to sign a mental health or medication consent, promptly request an order from the Juvenile Court.

Guidelines:

- A. Youth may refuse, verbally or in writing, non-emergency medical, dental and behavioral/mental health care and shall not receive consequences for exercising their right to refuse.
 1. Staff shall explain benefits and risks of proposed treatment.
 2. Any health evaluation and treatment refusal shall be documented on the Refusal of Treatment or Medication form and placed in the health record.
- B. In the event a refusal pertains to a condition that poses a health risk to others, it may be appropriate to medically isolate and counsel the youth regarding the medical consequences of refusing treatment.
- C. Efforts shall be made to obtain consent from the youth's parent/guardian or person standing in loco parentis for routine general health care services by utilization of the Medical Consent Permitting Medical Examinations, Immunizations, and Medical Treatment form.
- D. The standing court order issued by the Presiding Judge of the Juvenile Court shall be utilized for general care and treatment when efforts to obtain parental consent have been unsuccessful.
- E. Off-site physician/providers shall be responsible to obtain consent from parent/guardian or person standing in loco parentis when care or treatment goes beyond routine.
- F. California Minor Consent and Confidentiality Laws shall be followed.
- G. There shall be provision for obtaining parental consent and obtaining authorization for health care services from the court when there is no parent/guardian or other person standing in loco parentis, including the requirements in Welfare and Institutions Code Section 739.
- H. Policy and procedures shall be consistent with applicable statutes in those instances where the youth's consent for testing or treatment is sufficient or specifically required.
- I. In the event consent is unobtainable for an emergent surgical intervention, a court order may be obtained in collaboration with the attending hospital, Probation Officer, and Division Director II or designee, if required.
- J. Conservators may only provide consent within the limits of their court authorization.

- K. All immunizations, examinations, treatments and procedures requiring verbal or written informed consent in the community also require that consent for confined youth.
- L. Though the right to refuse treatment is inherent in the notion of informed consent, exceptions may arise in psychiatric emergencies.

Inspections:

Refer to the Policy and Procedure Inspection Matrix.

Internal

The Health Services Manager shall inspect this procedure by review of logs, incident reports, safety reviews and other safe guards conducted in the normal course of business on a weekly, monthly and yearly basis.

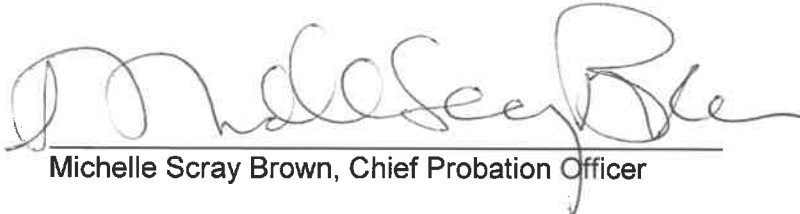
Foundation:

Minimum Standards for Juvenile Facilities, Title 15, Section 1434
Standards for Health Services in Juvenile Detention and Confinement Facilities, National Commission on Correctional Health Care (NCCCHC)
Constitution of the United States of America; 5th Amendment, 8th Amendment, and 14th Amendment (Right to Health Care)

References:

California Minor Consent and Confidentiality Laws
Minimum Standards for Juvenile Facilities, Title 15, Sections:
1411-Access to Treatment
1414-Health Clearance for In-Custody Work and Program Assignments
1430-Medical Clearance/Intake Health and Screening
1432-Health Assessment
1433-Requests for Health Care Services
1435-Dental Care
1437-Mental Health Services
1439-Psychotropic Medications
NCCCHC-Informed Consent and Right to Refuse
Pharmaceutical Responsibilities For Custody and Treatment Staff
Pharmaceutical Responsibility For Medical Services
Welfare & Institutions Code Section 739

Issued by:


Michelle Scray Brown, Chief Probation Officer

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