

	<b>Department Name Address</b>	<b>ALS</b>	<b>Paramedic</b>
		<b>Revision #</b>	
		<b>Implementation Date</b>	
<b>Protocol</b>	<b>1.0.5 Refusal of Care – All Levels</b>	<b>Last Reviewed/Update Date</b>	
<b>Author / Owner</b>		<b>Medical Director</b>	

Patients have the right to refuse treatment and/or transport if they are of legal age and are competent. Competence is defined as the capacity or ability to understand the nature and effects of one's acts or decisions. A person is considered to be competent until proven otherwise. There are situations, however, in which the interests of the general public outweigh an individual's right to liberty:

- The individual is threatening self-harm or suicide.
- The individual presents a threat to the community because of a contagious disease or other physical dangerousness.
- The individual presents a specific threat to innocent third parties.

To honor a patient's refusal of care follow the following procedure:

1. Obtain an appropriate assessment of all patient contacts based upon the nature of their illness or injury.
2. Offer all patients treatment and transport. Initiate treatment according to the appropriate protocol(s).
3. If the patient refuses treatment and/or transport:
  - Attempt to verify the competency of the patient. If the patient is less than 18 years old or potentially incompetent (e.g., under the influence of drugs or alcohol, suicidal, head injury, etc.), seek medical direction and police assistance as needed.
  - Explain, in the simplest possible language, the potential for harm created by the refusal of services. Seek medical direction advice as needed.
  - Have the patient demonstrate an understanding of your explanation by describing the potential for harm in their own words.
  - If possible, have the refusal of treatment and/or transport witnessed by a third party, preferably not an EMS provider. Have the patient and witness sign a refusal form.
  - Advise the patient to seek medical attention if symptoms develop or worsen. Whenever possible, leave the patient in the care of another competent person.
  - Document the circumstances of the response, actions taken and refusal. Include your explanation of potential harm given to the patient, and any statements made by the patient in regards to the refusal of services. If the patient refuses to sign the refusal form, document that fact and have a witness sign if possible.

State law allows the ambulance crew to refuse to transport an individual for which a transport is not medically necessary (XXXX § xx-xx(x)). To deny transport of an individual that wishes to be transported the following must be complied with:

- The EMS provider must believe that the individual does not need immediate medical attention or ambulance transport.
- The EMS provider must contact medical control for a physician's order of concurrence of denying transport. If the EMS providers are unable to contact medical control and/or obtain an order to deny transport, the individual must be transported to the nearest appropriate facility.
- Recommend an alternate mode of transport to the individual; taxi, relative, or other means.
- The EMS provider must fully document the event and notify the medical director as soon as practical.

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*Medical Director's Signature*

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*Date*

Disclaimer:

The protocols have been developed by the North Dakota Department of Health are meant to be used as general guidance for developing protocols for individual emergency medical services agencies. These sample protocols are not meant to be medical or legal advice; nor do they establish standards of care. Each emergency medical services agency must tailor protocols based on their specific needs or capabilities. Local medical directors must be consulted with and approve any protocol(s) prior to becoming operational in an emergency medical services agency. directors must be consulted with and approve any protocol(s) prior to becoming operational in an emergency medical services agency. The North Dakota Department of Health make no representation on the accuracy of information contained herein and accepts no liability for any loss or damage arising from any content error or omission.