

Chapter: Medical Consent	Effective Date: 4/15/17
Title: Refusal of Treatment by Youth	Page: 1 of 2
	Replaces: HHS.70.10, 07/15/11

(a) **Standard.**

All youth have the right to refuse any examination, diagnostic test, immunization, and/or medical, dental, psychiatric, or nursing treatment except when the refusal is considered life-threatening or may jeopardize the health of others. Every effort is made, including contacting the parent/guardian, as appropriate, to ensure the youth has accurate and reliable information and assistance in making his or her decision with regard to accepting the recommended treatment or procedure.

(b) **Procedures.**

(1) **All Prescribed Medication or Other Treatment.**

- (A) The **human services specialist (HSS)** or a **juvenile correctional officer (JCO)** documents all steps taken to inform the youth about the treatment refused.
- (B) The **HSS** or **JCO** instructs the youth to complete the [Refusal Form, HLS-520](#), including the reason given for the refusal, if any.
- (C) The **HSS** or **JCO** instructs the youth to sign the HLS-520. If the youth refuses to complete or sign the form, the **HSS** or **JCO** obtains the signature of another staff witness to verify the refusal and the reason given for the refusal, if any.
- (D) The **HSS** or **JCO** documents the refusal in the Scanned Medication Administration Recording Technology (SMART) system.
- (E) The **HSS** or **JCO** places the HLS-520 in the Daily Health Records Binder, in the individual youth's section, for review by the institution nurse during routine visits.
- (F) During a routine visit, the **institution nurse** reviews, initials, and dates the HLS-520 and scans the HLS-520 form into the electronic health record (EHR).
- (G) If a youth refuses a medication or other treatment, the **HSS** or a **JCO** offers up to two subsequent opportunities for the youth to comply, as time allows. If the youth refuses three consecutive treatments or doses of the same prescribed medication, the **HSS** or a **JCO** documents the refusals, notifies the superintendent, and contacts the assigned institution nurse for direction.

(2) **Medication or Treatment for a Life-Threatening Condition.**

When refusal of medication or treatment is potentially life-threatening or presents a health risk to the youth or to others (e.g., refusal of a TB skin test, a laboratory test, an x-ray, or treatment for a chronic or life-threatening condition such as diabetes, seizure disorder, heart condition, or an infection requiring an antibiotic):

- (A) the **HSS** or a **JCO** immediately notifies the superintendent and health services administrator (HSA) or designee and completes the bottom section of the HLS-520;
- (B) the **HSA** or **institution nurse** contacts the prescribing medical provider for instructions, documents the notification and any verbal orders in the EHR, and scans and emails any orders to the halfway house;

- (C) the **superintendent** notifies the parent/guardian and documents these notifications on the [HLS-520](#) and/or in the EHR, as applicable; and
 - (D) the **HSA** notifies the Texas Juvenile Justice Department (TJJD) Medical Services Division and the University of Texas Medical Branch Correctional Managed Care youth services program manager for nursing and compliance and documents these notifications on the HLS-520 and/or in the EHR, as applicable.
- (3) **Psychotropic Medication.**
- (A) If a youth refuses a psychotropic medication three times consecutively, the **HSS** or a **JCO** notifies the youth's TJJD case manager, the superintendent, and the institution nurse and documents the notification on the [Treatment and Intervention Record, HLS-505](#).
 - (B) The **TJJD case manager**:
 - (i) meets with the youth within three workdays to discuss the reasons for the medication refusal;
 - (ii) documents the discussion on a [Chronological Record: Medication Non-Compliance form, CCF-520med](#);
 - (iii) places the form in the Daily Health Records Binder and in the youth's masterfile; and
 - (iv) scans and emails the form to the assigned institution infirmary.
 - (C) The **institution nurse**:
 - (i) contacts the prescribing provider for direction and/or ensures that an appointment is scheduled and documents the refusal in the Comment section within the EHR Reminders; and
 - (ii) scans the CCF-520med into the EHR.

NOTE: Do NOT use physical force or restraint to administer a treatment refused by youth.
