

Chapter: Medical Consent	Effective Date: 4/15/17
Title: Obtaining Medical Consent	Page: 1 of 2
Implements: GAP.380.9181	Replaces: HHS.70.05, 7/15/11
Statutes: Family Code §32.001	

(a) **Standard.**

- (1) Parents/guardians and youth who are 18 years of age or older have the right to consent to health care treatment and to provide informed consent for specific medical and/or dental procedures.
- (2) In accordance with [Section 32.001, Family Code](#), the superintendent has the authority to give consent to treatment only when:
 - (A) the parent/guardian has been notified and has not denied consent for the treatment; or
 - (B) the parent/guardian cannot be contacted and the treatment constitutes a life-threatening medical emergency.

(b) **Procedures.**

(1) **General Consent.**

- (A) The **human services specialist (HSS)** checks the electronic health record (EHR) for the certified-mail receipt from the most recent admission indicating that the [Notification of Provision of Medical Care form, HLS-860](#), was sent to the parent/guardian by the Orientation and Assessment Unit.
- (B) If the certified-mail receipt is not in the youth's file, the **HSS** ensures that the HLS-860 form is sent by certified mail to the parent/guardian.

Note: For commitments that come directly from the community, the **HSS** ensures that a new HLS-860 is sent even if an older receipt is present in the EHR.

(2) **Informed Consent.**

(A) **Community Providers.**

- (i) The **superintendent** or **HSS** ensures that the medical or dental provider receives appropriate contact information to obtain informed consent directly from the youth's parent/guardian when an invasive procedure is recommended.
- (ii) If the youth's parent/guardian cannot be contacted to obtain informed consent and the criteria outlined in [GAP.380.9181](#) are met:
 - (I) the **superintendent** signs the [Certificate of Authority to Consent to Treatment form, HLS-665](#), and immediately scans and emails it to the health services administrator;
 - (II) the **institution nurse** ensures that the signed HLS-665 is scanned into the EHR; and
 - (III) the **HSS** or a **juvenile correctional officer** gives the original copy of the consent form to the medical provider performing the procedure.

(B) **Institution Providers.**

- (i) The **HSS** collaborates with the nurse coordinator for health services (NCHS) to obtain informed consent from the parent/guardian or from the youth if the youth is 18 years of

age or older. Informed consent is documented on the [Notification and Consent for Surgical/Invasive Dental Procedure form, HLS-780d](#) (for dental procedures), or the [Consent to Surgical/Invasive Medical Procedure form, HLS-780m](#) (for medical procedures).

- (ii) The **superintendent** follows procedures outlined in (A)(ii) above if the parent/guardian cannot be contacted.
 - (iii) The **superintendent** or **HSS** scans and emails the signed HLS-665 or HLS-780 consent form to the NCHS.
 - (iv) The **NCHS** or **institution nurse** ensures that the signed HLS-665 or HLS-780 consent forms are scanned into the EHR and the provider is notified.
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