

RIGHT TO REFUSE TREATMENT

STANDARD NO(S):

NYSSA# 165

DATE:

September 15, 2009

REVISED: 01/14/2011

REFER TO:

Nancy Osborne, RN

I. OBJECTIVE:

To establish the Seneca County Correctional Facility policy and guidelines for inmate's who refuse medical treatment.

II. POLICY:

Inmates have the right to refuse medical treatment.

Seneca County Correctional Facility requires that the inmate's refusal of treatment be in writing with a signed Refusal of Medical Test/Treatment form (SCSO-MD-004) completed. This form is witnessed and countersigned by a Health Services Staff Member.

III. DETAILS:

- A.** It is the responsibility of the health service staff to assure that inmates who refuse medical treatment understand the purpose of the proposed care, how the care will be provided, and the consequences and risks of their refusal.
- B.** In situations where the inmate refuses care and refuses to sign a Release of Medical Test/Procedure/Treatment form, the nurse will document on the form and in the progress notes "Inmate refuses treatment and refuses to sign Release of Responsibility form". A second staff member will countersign the form as witness to the inmate's refusal. The second staff member may be a corrections officer or supervisor.
- C.** Inmates who refuse essential health care should be evaluated by a mental health professional, if applicable, to determine their mental competency to refuse care. The Chief Administrative Officer should be notified of such refusal of care.

- D.** When an inmate refuses to come to the medical unit for scheduled appointments or treatment, every effort must be made to have the inmate brought to the health service unit for a health service professional to verify their refusal of care.
- E.** Inmates who refuse to take medications that have been ordered will be required to sign a release of responsibility form. The release should be witnessed by another health service staff member or a correction officer or supervisor, followed by an explanation by the nurse of what the medication is for, and possible risks involved with refusal to take the medication.
- F.** In the case of life-threatening medication refusals, documentation on the MAR will indicate the inmate refused the medication, and the following actions will be taken:
 - 1.** First refusal – notify the nurse.
 - 2.** Second refusal – Nurse will discuss the matter with the inmate.
 - 3.** Third refusal – Notify the physician who should discuss the matter with the inmate.
- G.** By refusing treatment at a particular time, the inmate does not necessarily waive his/her right to subsequent health care and does not absolve the health service staff from offering and rendering other aspects of health care that are deemed appropriate for the inmate and which the inmate does not refuse.
- H.** A refusal of care, which could endanger the inmate, will be reported to the Chief Administrative Officer and the Sheriff by a Health Services Staff member as soon as practical for possible petition of the appropriate court for an order directing the required medical treatment.