



# ASSESSMENT OF SUBJECTS IN LAW ENFORCEMENT CUSTODY

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(Signature On-file)

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## **PURPOSE:**

Establish guidelines for El Dorado County EMS personnel when requested by law enforcement to assess subjects in custody, while clarifying the limits of provider authority in the provision pre-hospital care.

## **POLICY:**

### **1. Response and Assessment**

- a) El Dorado County EMS personnel shall respond to law enforcement requests for medical evaluation of subjects in custody in accordance with established dispatch procedures.
- b) Upon arrival, EMS personnel shall:
  - Identify themselves to the subject,
  - Obtain consent for assessment when possible,
  - Conduct a patient assessment in accordance with the 'Routine Patient Care' field policy, to include medical history and vital signs.

### **2. Communication of Assessment Findings**

- a) Assessment findings shall be communicated to the patient and Officer maintaining custody in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.
- b) Information shared with the Officer shall be limited to:
  - That which is necessary for ensuring Officer safety,
  - Information to facilitate immediate treatment or transport decisions, or,
  - Any information the patient may have shared of their own accord, either prior to EMS arrival or in open dialogue with the Officer present.
- c) For the Officer's situational awareness, and based on the provider's impression, EMS Personnel may provide information about:
  - Potential treatment indicated (*if any*) according to applicable protocol(s),
  - Likely level of transport urgency (Code 3 vs. Code 2), and,
  - Any 'time sensitive' interventions that may be indicated.

**3. Decision-Making and Patient Rights**

- a. Subjects in law enforcement custody retain all rights to make medical care decisions unless they:
- Are under a 5150 hold,
  - Lack the legal capacity to make decisions,
  - Have an altered level of consciousness, or,
  - Are otherwise unable to communicate.
- b. While EMS Personnel may accept an Officer's verbal assertion of a 5150 hold as 'consent' in the prehospital setting, all treatment decisions shall be guided by EMS Agency protocols and/or Base order.
- c. If circumstances on scene are complex or atypical, EMS personnel are encouraged to consult with Base to discuss options.

**4. Prohibited Actions**

- a. EMS personnel shall not:
- Provide any form of "medical clearance" based on the field assessment.
  - Make any determination about a patient's fitness for medically unsupervised custody.
  - Suggest that medical care or ambulance transport is (or may be) unnecessary.
  - Perform, or participate in, any actions that do not ultimately serve the best interests of the patient.

**5. Documentation**

- a. All patient interactions shall be documented in accordance with the Documentation Policy, including, but not limited to:
- Complete patient assessment findings,
  - All treatment recommendations made,
  - Transport decisions and rationale.
- b. For non-transport cases:
- Patient signature shall be obtained on the PCR unless physically restrained,
  - Reason for lack of signature, if not obtained,
  - Law enforcement Officer details (identifying information).

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