



**Department of Emergency Services
Fire-EMS Division
Standard Operating Procedures**

EMS Operations

Subject: If A Minor Refuses To Consent To Prehospital Treatment
Revised: 8-21-02
Section: 300.00

300.01 Purpose

To set forth guidelines when a minor cannot or will not consent to prehospital treatment when their legal guardian is not present or the their legal guardian cannot be reached to provide or refuse consent.

300.02 Policy

Maryland law defines a minor as a person under 18 years of age. A minor has the same capacity as an adult to consent to medical treatment if, in the judgment of the attending physician, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of a parent or guardian.

300.03 Procedure

The following provides general guidelines for some of the circumstances that may arise when a minor cannot or will not consent to treatment.

A. Is the minor married or a parent?

1. Yes – handle as an adult.
2. No – consider whether the minor is able to give informed consent.

B. Is the minor able to give informed consent?

Does the minor have the maturity, intelligence, and clarity of thought under the circumstances to understand the potential outcomes of the treatment or treatments proposed and no treatment and to make an informed choice about whether to consent to treatment?

1. No – the minor is not able to give informed consent. Then ask if the attending physician has determined that there is a substantial risk of death or immediate and serious harm to the patient and with a reasonable degree of medical certainty that the life or health of the patient would be affected adversely by delaying treatment. [Consult the base station physician to make this determination.]
 - Yes. Treat the patient and transport
 - No. Transport and contact the parents or guardian for treatment instructions.

2. Yes – the minor is able to give informed consent. Then consider the severity of the injury.

C. Is the injury serious?

In the judgement of the attending physician, would the life or health of the minor be affected adversely by delaying treatment to obtain the consent of another individual? [Consult the base station physician to make this determination.]

1. Yes, serious-monitor and/or transport the patient and immediately contact the parents or guardian for consent or instructions.
2. No, not serious-document refusal of treatment (obtain the signature of the patient if possible) and **notify** parents or guardian promptly of the emergency event and refusal of treatment.
 - a. Notify on-duty Shift Lieutenant or designee to report to the scene for use of cell phone.
 - b. Document success or failure of contact with patient's parents or guardian.
 - c. If unable to contact parents or guardian, contact attending physician.