

## EMS Operations

Subject: Minor's Refusal of Consent for  
Treatment

Revised: 4-24-2012

Effective: 9-01-2012

Approved: 4-24-2012

Section: 300.0

### 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 their legal guardian cannot be reached to provide or refuse consent.

### 300.02 Policy

Maryland law defines a minor as a person less than 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?  
Yes – handle as an adult.  
No – consider whether the minor is able to give informed consent.
  1. Is the minor able to give informed consent?
    - \* Does the minor have the maturity, intelligence, and clarity of thought to understand the potential outcomes of the proposed treatment, and to make an informed choice about consent to treatment?
      - a. No – the minor is not able to give informed consent.
    - \* Determine if there is a substantial risk of 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. Physician consult as necessary

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Standard Operating Guidelines

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- Yes. Treat the patient and transport.
  - No. Transport and contact the parents or guardian for further guidance.
  - b. Yes – the minor is able to give informed consent. Then consider the severity of the injury or illness.
2. Is the injury or illness serious?  
Would the life or health of the minor be affected adversely by delaying treatment to obtain the consent of the parent or guardian? Physician Consult as necessary
- a. Yes, serious - monitor and/or transport the patient and immediately contact the parents or guardian for consent or instructions.
  - b. 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.
    - 1. Notify on-duty OIC or designee if in need of cellular capability.
    - 2. Document success or failure of contact with patient's parents or guardian.
      - i. Document parent/guardian name and contact information.
      - ii. If unable to contact parents or guardian, consult physician.