A-3400  **POLICY:**

Offenders shall be informed of their diagnosis, treatment, and prognosis in terms and language the offender can reasonably be expected to understand. All examinations, treatments, and procedures affected by informed consent standards in the community apply to persons within the custody of the Corrections Division. Health care rendered against an offender’s desire shall only be performed in accordance with Louisiana law. In the case of juveniles, the informed consent of the parent, guardian or legal custodian applies when required by Louisiana law. (4-ACRS-4C-19; 4-ALDF-4D-15 - Mandatory; NCCHC: J-I-05 - Important)

A-3401  **DEFINITIONS:**

A. **Informed Consent:**
An agreement by a patient to a treatment, examination, or procedure after the patient receives the material facts about the nature, consequences, and risks of the proposed treatment, examination, or procedure; the alternatives to it; and the prognosis if the proposed treatment is not undertaken.

A-3402 **DISCUSSION:**

In order to maintain the legal standards for treatment, the Corrections Division shall ensure that the health services provider uses proper informed consent procedures.

A-3403 **RULES:**

A. Any health evaluation and treatment refusal shall be documented and must include the following: (NCCHC: J-I-05 - Important)

1. Description of the nature of the service being refused;
2. Evidence that the offender has been made aware of any consequences to his or her health that occur as a result of the refusal;
3. The signature of the offender; and
4. The signature of a health care staff witness.

A-3404 **PROCEDURES:**

A. The offender may consent to or refuse treatment. When an offender wishes to refuse treatment, health care staff shall explain to the offender the potential adverse effects that may be experienced by failing to seek treatment. Health care staff shall ensure that offender refuses treatment in writing. If the offender declines to sign the refusal form, it shall be documented on the form by health care staff and signed by at least two (2) witnesses. The form shall then be forwarded to and reviewed by a qualified health care professional. The health services provider shall keep a record of the consent or refusal. (4-ACRS-4C-19; 4-ALDF-4D-15; NCCHC: J-I-05 - Important)

B. In the event that the offender wishes to refuse treatment and health care staff are unavailable, the offender shall be transported to University Hospital & Clinics where a signed refusal must be obtained by University Hospital & Clinics health care staff.

C. In the event when there is a concern about the offender’s decision-making capacity, a mental health evaluation shall be conducted, especially if the refusal is for critical or acute care.
1. If an offender refuses to go to a scheduled health care/dental appointment, such refusal shall be recorded in the offender’s health care record.

2. Health care staff shall counsel offenders against refusals of treatment, and refusal to attend health care/dental appointments.

D. Offenders who may not be competent to make health care decisions shall be referred to the appropriate mental health staff for an evaluation.

E. Informed consent requirements shall be waived in the event of an emergency that requires immediate health care intervention to save the life of the offender, or emergency care involving offenders who do not have the ability to understand information given in accordance with all applicable state and federal laws and regulations. (T-0200)

F. Medical quarantine may be authorized for any offender with a communicable disease, who refuses appropriate treatment. In life-threatening cases where an offender refuses treatment, a Court Order for such treatment may be sought. (LRS: §15:860)

G. The Corrections Division health services provider shall inform any offender with health care treatment needs of his/her condition, all relevant treatment options and the likely course of recommended treatment before the offender undergoes such health care treatment.

H. Juveniles being adjudicated as adults shall have their parent(s) or responsible adult notified for consent whenever necessary and possible, unless it can be verified that the juvenile is an emancipated minor.

I. For invasive procedures or any treatment where there is some risk and benefit to the offender, informed consent shall be documented on a written form containing the signatures of the offender and health services staff witness. (NCCHC: J-I-05 - Important)

J. When health care is rendered against the offender’s desire it shall be in accordance with state and federal laws and regulations.