



MEMORANDUM

DATE: November 6, 1995

TO: John Anderson, Sempervirens
Dennis Berry, Eureka Police Department
Doug Boileau, Arcata/Mad River Rescue
Andrew Hooper, M.D.
Ed Cashman, City Ambulance
Amanda James, Prehospital Nurse Coordinator
Jeanette Lackett, St. Joseph Hospital
Sheriff Dennis Lewis, Humboldt County Sheriff's Office
Ann Lindsay, MD, County Health Officer
Jim Niesen, St. Joseph Hospital
Larry Nyborg, City Ambulance
Rob Wade, District Attorney
Arnie Millsap, Chief, Eureka Police Department
Clarke Guzzi, County Health Department
Shirley Skelton, RN, Mad River Community Hospital
Laurie Ehret, RN, Mad River Community Hospital
Tamara Falor, Humboldt County Counsel
Captain Gary Philip, Humboldt County Sheriff's Office

FROM: Larry Karsteadt, Director

RE: **Final Summary Guideline - Use of 5150 Hold**

Many thanks for the additional comments received from W&I Code 5150 Task Force representatives and interested others regarding the guideline "Use of the 5150 Hold." I have incorporated all comments into the final revision (attached), and will distribute this document to Del Norte and Humboldt County hospitals and ambulance services in the next Informational Mailing.

Three changes were made since the last draft, including: Section C2) - The Arrest section was reworded thanks to input from Clarke Guzzi, County Health Dept. and Captain Gary Philip, HCSO; Section E - Several clarifications regarding Sempervirens were made by John Anderson, MFCC, Deputy Director; and, Sections D. & F. - references to “protection from lawsuits” and “defensible legal position” were dropped thanks to suggestions by Laurie Ehret, RN.

Thanks again for your assistance.

Guideline For Prehospital Medical Patients Who Refuse Treatment

North Coast EMS & the 5150 Task Force - November 6, 1995

The purpose of this guideline is to clarify and standardize procedures when medical patients refuse treatment in the prehospital setting. Primary sources include: Nancy Caroline, M.D., *Emergency Care in the Streets*, 1991; “Understanding 5150/5585.5’s” - County of Humboldt Department of Mental Health; Richard Lazar, *EMS Law: A Guide for EMS Professionals*, 1989.

A. Consent:

Informed consent must be obtained from every conscious, mentally competent adult. Consent for emergency lifesaving treatment in the unconscious adult is *implied*. Consent must be obtained from a parent or legal guardian for children who are mentally incompetent. If the parent or legal guardian is not available, emergency treatment to sustain life may be undertaken without consent.

B. Guideline for Establishing Mental Competence:

The following is offered as a guideline to help prehospital personnel establish mental competence: 1) The patient is oriented to person, place and time. 2) There is no sign of significant medical impairment from alcohol, drugs, head injury or other organic illness. 3) The patient understands the nature of his condition and the risks of not going to the hospital for immediate care. 4) The patient can describe a reasonable plan for follow-up care.

C. Procedures For When A Patient Refuses Medical Treatment: Three procedures are available for use by prehospital personnel when a medical patient refuses treatment & transport:

1) California Welfare and Institutions Code Section 5150 & 5585.5:

A “**5150 Hold**” allows all peace officers and other county authorized professionals* to request a psychiatric evaluation for adults who appear to be a danger to themselves or others, or are unable to care for themselves due to mental illness. A “**5585.5 Hold**” allows a similar process for children and adolescents (under 18) who appear to be a danger to themselves or others, or are unable to use the elements of life provided to them due to mental illness. The evaluation may or may not result in the person being hospitalized (For more detail see “Understanding 5150/5585.5’s” - County of Humboldt Department of Mental Health).

* Any on duty licensed Humboldt County Mental Health staff member; Humboldt County peace officers; on duty emergency department physicians; Board certified Psychiatrists providing services in Humboldt County. This also applies to Del Norte County.

2) Arrest:

A peace officer can arrest (assuming grounds for arrest exist) a patient and transport the patient to the ED for medical evaluation. Before the patient can be booked into the County Jail, they must be medically stable. The arresting Officer's Department is liable for all medical costs prior to booking into the County Jail, if the patient is not MediCal eligible.

3) Competent Adult Refusal:

When neither of the above applies, prehospital personnel are advised to attempt to convince the patient with potential or actual medical problems to go to the ED. The following guideline may help: a) Maintain a courteous, sympathetic attitude; let the patient know your chief concern is his/her well-being. b) Let the patient know it is all right to change his/her mind. c) Urge the patient to seek further medical evaluation and help make concrete plans for follow-up. d) Try to make sure a competent adult will be with the patient after you leave. e) Call the base hospital for advise and let a doctor or nurse talk with the patient. f) Ask the peace officer to help convince the patient that it is in their best interest to go to the ED. g) Stay with the patient if medical problems are potentially serious enough for *implied consent* to occur.

It is important that prehospital personnel document all relevant information, including: history; physical and mental status findings; patient's stated reasons for refusing care; all advice given, including explanation of risks; etc.

Also, have the patient sign, or an impartial observer sign, an Against Medical Advise (AMA) Form or equivalent document. For arrests or 5150s, obtain a copy of the appropriate form from the officer and/or make sure the officer logs the arrest or signs the AMA.

D. Peace Officer Assistance:

It is very important that peace officers who place a medical patient on a "5150/5585.5 Hold", or under arrest, fill out the appropriate documentation (e.g., 5150 Form, 647F) and give it to ambulance personnel prior to transport.

Also, officers are encouraged to help prehospital personnel convince competent adults who may need medical evaluation to go to the ED.

E. Emergency Department Assistance:

Unless other arrangements have been made, medical patients will generally be transported directly to the ED for medical clearance prior to transport to Sempervirens for the psychiatric assessment. If needed, a Sempervirens representative can be asked to come to the hospital, although their ability to respond is severely limited when the crisis service is busy. It is important that the ED physician provide transporting personnel with a copy of the 5150 Form, or a script, to allow them to transport the patient from the ED to Sempervirens.

Please note that the “5150’ed” patient may be released by the person who initiated it, or by a Humboldt County Mental Health psychiatrist following assessment. The psychiatric evaluation can **only** be performed by a HCMH approved psychiatrist, or any licensed HCMH employee who consults with the psychiatrist, who determines disposition. If a person is Code 5150’ed and an HCMH psychiatrist determines that person requires involuntary hospitalization, that involuntary hospitalization is accomplished under W&I Code 5151.

F. Other Legal Considerations:

When faced with the decision to treat and transport despite a competent patient’s refusal, an EMT and ambulance service should consider the legal risks. An EMT who treats and transports in direct opposition to the patient’s express wishes could be named in a medical assault and battery or false imprisonment lawsuit. On the other hand, if the patient is abandoned as a result of the refusal and later dies or becomes seriously injured, the EMT may be named in a professional negligence lawsuit. If the EMT acted responsibly and reasonably under the circumstances, a jury is much more likely to find liability in abandonment than in assault or battery or false imprisonment. Common sense dictates that an EMT should treat rather than not abandon; however, there are no guarantees that the EMT and ambulance provider will not get sued.

An EMT should err on the side of the patient, act in good faith, and follow the procedures suggested above for dealing with competent adult refusal (including calling the base and documenting refusal).