

## *El Paso - Ambulatory Clinic Policy and Procedure*

Title: <b>REFUSAL TO SUBMIT TO TREATMENT AND/OR          REFUSAL TO FOLLOW PHYSICIAN'S          INSTRUCTIONS</b>	Policy Number: <b>EP 6.8</b>
Regulation Reference: Texas Administrative Code Chapter 133.42; 462.009.	Effective Date: <b>04/2023</b>

### **Policy Statement:**

---

It is the policy of the Texas Tech Physicians of El Paso (TTP-EP) to establish guidelines for providers and clinic staff when dealing with a competent patient who refuses to submit to treatment and/or refuse to follow provider's instructions.

### **Scope and Distribution:**

---

This policy applies and will be distributed to all Texas Tech Physicians of El Paso ambulatory clinics.

### **Procedure:**

- 
1. Upon patient refusal to submit to treatment and/or refusal to follow physician's instructions:
    - a. Patient will be requested to sign 6.8.A, Refusal to Submit to Treatment and/or Refusal to Follow Physician's Instructions Form, indicating full understanding of the consequences of his/her decision.
    - b. Patient should be offered 6.8.A, Refusal to Submit to Treatment and/or Refusal to Follow Physician's Instructions Form, for signature in the presence of at least one witness.
    - c. If the patient refuses to sign, the nurse, provider or administrator/clinic manager should sign his/her name, date and a brief notation concerning the circumstances of the refusal. One person who was present when the release was offered must sign as witness to the refusal.
    - d. When persons suffering from a reportable communicable disease refuse to submit to treatment and/or refuse to follow physician's instructions, the physicians or mid-level providers aware of the situation shall report the matter to the City/County Health Department, so that the Department has an opportunity to take appropriate action to isolate the patient from the community.
  
  2. Parent or guardian refusal to submit to treatment and/or refusal to follow physician's instructions for a minor:
    - a. Parent or guardian will be requested to sign 6.8.A, Refusal to Submit to Treatment and/or Refusal to Follow Physician's Instructions Form, indicating full understanding of the consequences of his/her decision.
    - b. At the discretion of the provider, based on the child's physical or mental condition, Child Protective Services may be notified that the parents refusal to submit to treatment and/or refused to follow physician's instructions for their child.

**El Paso - Ambulatory Clinic Policy and Procedure**

- c. The Texas Family Code, Chapter 261, requires any person having cause to believe that a child's physical or mental health has been or may be adversely affected by abuse or neglect to report in accordance with §261.101. Failure to provide adequate care, the need for which has been communicated with the child's parent or custodian, would constitute an event which should be reported.
- d. Under Texas Family Code, §261.106, any person reporting suspected abuse is immune from civil or criminal liability except when acting in bad faith or with malicious purpose.

3. Documentation of patient refusal to submit to treatment and/or refusal to follow physician's instructions:

- a. If a patient refuses to follow medical advice, it will be made known to the provider in charge of the patient's medical treatment. Action taken to make the patient fully aware of any adverse effects that may occur as a result of refusing to follow medical advice shall be documented in the patient's chart. Documentation should also include an assessment of the patient's general condition upon his/her departure.
- b. Form 6.8.A, Refusal to Submit to Treatment and/or Refusal to Follow Physician's Instructions Form, will be located and completed at each respective clinic.

Policy Number: <b>EP 6.8</b>	Original Approval Date: <b>9/2014</b>
Version Number: <b>2</b>	Revision Date: <b>04/2023</b>
Signatory approval on file by: <b>Juan Figueroa, M.D.</b> Director of Clinical Operations Clinic Medical Directors Committee, Chair Texas Tech Physicians of El Paso	
Office of General Counsel Texas Tech University Health Sciences Center of El Paso <i>Beverly Munoz</i> RN CPHRM Director, Claims Management	



