

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.30.53	Page 1 of 4
	Original Effective Date: 11/28/12	New Effective Date: 01/11/21
	Supersedes: 500.30.53	Dated: 02/20/18
	Administrator's Approval: Makda Fessahaye, Administrator	
	Required Posting or Restricted: <input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
Chapter: 500 Health Services		
Subject: Refusal of Emergency Medical Patient Care at Waupun Memorial Hospital		

POLICY

The Division of Adult Institutions has a partnership with Waupun Memorial Hospital to provide medical care to patients who are determined competent but refusing care but only when intervention is necessary to preserve life and limb and when a court orders the hospital to intervene.

REFERENCES

Standards for Health Services in Prisons – National Commission on Correctional Health Care, 2018, P-G-05 Informed Consent and the Right to Refuse
DAI 500.30.54 Informed Consent and Right to Refuse Treatment
Wisconsin Statutes s. 302.38 - Medical Care of Prisoners
Wisconsin Statutes s. 302.385 - Correctional Institution Health Care

DEFINITIONS, ACRONYMS AND FORMS

Court Order – A directive from a circuit court judge which relates to the provision of medical care or treatment to a patient who is refusing care.

DOC – Department of Corrections

DOC-3220 - Refusal of Recommended Health Care

Telephonic court proceeding – A court proceeding which is conducted by telephone.

WMH – Waupun Memorial Hospital

PROCEDURE**I. General Guidelines**

- A. A patient brought to the WMH Emergency Department in a suspected life threatening situation shall be medically assessed and provided treatment within the community standard of care.
- B. If the patient is unconscious or unable to refuse care, WMH shall assume authorization from the patient for treatment decisions and stabilization.
- C. If the patient is conscious and able to refuse care, the provider shall determine whether the patient is medically competent to refuse treatment.

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- D. Patients who refuse care and treatment in a potentially life or limb threatening situation shall be evaluated for placement in observation in the WMH secure unit. All appropriate efforts shall be made by WMH staff to educate and inform the patient of the potential consequences of refusing medical care and treatment.
- E. If the WMH provider determines the patient's refusal of care or treatment could imminently lead to a life or limb threatening situation, the provider shall advise the correctional staff accompanying the patient that emergency court action may be necessary.
- F. Correctional Officers accompanying the patient shall contact the Shift Supervisor at the sending institution. The Shift Supervisor will call the facility HSM.
- G. The WMH Nursing Supervisor shall speak with the facility HSM or Designee and Shift Supervisor to recommend the initiation of the procedure under this policy to contact the Court for a court order authorizing care and treatment.
- H. WMH shall provide the patient with written notice it intends to seek a court order for involuntary treatment.
- I. The DOC shall be responsible for initiating the procedure under this policy to contact the Court for a court order authorizing care and treatment.
- J. The Institution/Center Security Supervisor shall contact the Dodge County Sheriff's Department at 920-386-3740 to arrange for an emergency telephonic court proceeding to address the issue of involuntary care and treatment of a patient.
- K. The Sheriff shall contact the on-call judge to set up a telephonic court proceeding.
- L. In accordance with the judge's request, WMH staff shall provide a copy of the written notice and copies of the emergency room provider's and associate's notes documenting the patient's imminent life threatening medical condition and refusal of care.
- M. When scheduled by the Court, the Dodge County Sheriff's Department shall initiate and record the telephonic court proceeding.
 - 1. WMH staff who have knowledge of the patient's medical condition, requested DOC staff and the patient are to be present.
 - 2. Each witness, WMH staff and DOC staff, shall be expected to testify under oath.

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- N. Based on the evidence received during the telephonic court proceeding, the judge shall determine whether authorization to proceed with care and treatment should be ordered.
 - 1. The Court shall provide a signed written order to WMH as soon as possible following the court proceeding.
 - 2. The written court order shall be included in the medical record.

- O. The hospital shall provide the DOC a copy of its records relating to the patient's refusal of medical care and treatment.

Bureau of Health Services: _____ **Date Signed:** _____
Michael Rivers, Director of Healthcare Administration

_____ **Date Signed:** _____
Vacant, Medical Director

_____ **Date Signed:** _____
Mary Muse, Nursing Director

Administrator's Approval: _____ **Date Signed:** _____
Makda Fessahaye, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date: 11/28/12	DAI Policy Number: 500.30.53	Page 4 of 4
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Chapter: 500 Health Services		
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. Patient

III. Other