

Successful Youth • Strong Leaders • Safer Communities

POLICY

SUBJECT: Informed Consent for Health Care

NUMBER: HC-336-18

APPLICABLE TO: Somatic Health and Behavioral Health Staff

APPROVED: _	/s/ signature on original
	Sam Abed, Secretary
DATE:	4/4/18

I. POLICY

The Department of Juvenile Services (DJS) ensures informed consent is obtained from the youth and parent or legal guardian for health care being rendered by DJS health care professionals to youth where required by law. The youth and parent, legal guardian or custodian are informed about health care in a language that is easily understood. If health care is rendered against a youth's will, it is only in accordance with federal and state laws and regulations.

II. <u>AUTHORITY</u>

- A. Md. Code Ann., Human Services, §9-203 and §9-204
- B. Md. Code Ann., Courts and Judicial Proceedings, 3-8A-02
- C. Md. Code Ann., Health General, §§20-101 to -105
- D. American Correctional Association (ACA) Standards, 4-JCF-4C-44

III. DIRECTIVES/POLICIES RESCINDED

None

IV. FAILURE TO COMPLY

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

V. <u>STANDARD OPERATING PROCEDURES</u>

Standard operating procedures have been developed.

VI. <u>REVISION HISTORY</u>

DESCRIPTION OF REVISION	DATE OF
	REVISION
New policy issued.	4/4/18



PROCEDURES

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APPROVED: /s/ signature on original

Linda McWilliams, Deputy Secretary

DATE: 4/3/18

I. PURPOSE

To provide procedures, where required by law, for informed consent of a youth and parent or legal guardian for health care being rendered by DJS health care professionals to a youth.

II. <u>DEFINITIONS</u>

Informed consent means the informed agreement by the youth and/or parent/legal guardian to a treatment, examination, or procedure after the youth receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

Health Care Practitioner means clinicians trained to diagnose and treat patients to include, physicians, dentists, psychologists, podiatrists, optometrists, nurse practitioners and physician assistants.

Health Care Professional means staff who perform clinical duties, including health care practitioners, nurses, social workers, dietitians, emergency medical technicians, in accordance with each health care professional's scope of training and applicable licensing, certification, and regulatory requirements.

III. PROCEDURES:

- 1. Health Care Professionals shall provide health care in the best interests of the youth as authorized in the youth's court order. If required by Maryland law, informed consent shall be obtained from the youth, parent or legal guardian by a DJS Health Care Professional for health care rendered on-site that is covered by the court order. Examples that require informed consent include consent for vaccination and psychotropic medication.
- 2. The Medical Director, Director of Behavioral Health or Health Administrator shall approve all consent forms used for health care rendered on-site at DJS facilities.
- 3. If health care treatment is provided off-site, the Health Care Professional or Health Care Practitioner providing treatment is responsible for obtaining any informed consent from the youth or parent/guardian/custodian.
- 4. The Health Care Professional shall inform the youth, in language the youth can understand, about all health care provided on-site by DJS staff, including but not limited to, screenings, examinations, consultations, diagnosis and/or treatment.
- 5. A youth may consent to medical treatment in accordance with Maryland law, Health General, §20-101 to -105.
- 6. If health care is rendered against a youth's will, it is only in accordance with federal and state laws and regulations.
- 7. A youth has the right to refuse health care in accordance with federal and state laws and regulations.

IV. RESPONSIBILITY

Health Administrator, Medical Director and Director of Behavioral Health are responsible for implementation and compliance with this procedure.

V. INTERPRETATION

The Deputy Secretary for Operations shall be responsible for interpreting and granting any exceptions to these procedures.

VI. LOCAL OPERATING PROCEDURES REQUIRED

No

VII. <u>DIRECTIVES/POLICIES REFERENCED</u>

No policies referenced.

VIII. APPENDICES

None



DJS POLICY AND STANDARD OPERATING PROCEDURES

Statement of Receipt and Acknowledgment of Review and Understanding

OLICY: Informed Consent for Health Care IUMBER: HC-336-18 PPLICABLE TO: Somatic Health and Behavioral Health Staff
have received and reviewed a copy (electronic or paper) of the above titled policy and rocedures. I understand the contents of the policy and procedures.
understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.
understand that I will be held accountable for implementing this policy even if I fail to sign this eknowledgment form.
IGNATURE PRINT FULL NAME
DATE WORK LOCATION

SEND THE ORIGINAL, SIGNED COPY TO THE DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.