

General Consent to Treat – Minor Patients

Definitions: In most cases, a minor's* parents have the legal authority to consent to the treatment of the minor and such consent must be obtained. If a guardian has been appointed for the minor, then consent to the treatment of the minor must be obtained from the guardian.

Purpose: To insure that the parent/legal guardian and minor (when applicable) are included in the minor's health decision process.

Procedure:

1. The General Consent to Treat a Minor Form is to be signed at the initial encounter by the parent or legal guardian, when applicable.
2. If a legal guardian has been appointed for the minor, the capacity of the guardian to consent to medical treatment will depend upon the type of treatment.

A copy of the official certified letters of guardianship shall be obtained and placed in the minor's medical record prior to proceeding with medical care.

If a conflict should arise between the guardian and the parent(s), legal counsel should be contacted.

The guardian has the same rights as a parent who has legal custody of the child to consent to nonsurgical treatment for the ward (Probate Code Section 2353 (a)).

3. The signed General Consent to Treat a Minor form is to be placed in the patient's medical record.
4. If the parent/legal guardian refuses a recommended treatment and/or medication, a PATIENT REFUSAL OF TREATMENT form shall be filled out and signed. Prior to filling out the form the physician should ensure that the parent/legal guardian understands the potential consequences of declining to follow the recommended course of action.

The physician should enter a note in the patient's medical record regarding the initial refusal, a summary of the events (if any) that led to the refusal, and the outcome (i.e., consent or continued refusal) of the discussion between the parent/legal guardian and the physician. The note should specifically document that the physician gave the parent/legal guardian all relevant information, including the potential consequences of declining to follow the recommended course of action.

The physician shall then report such refusal to the plan partner and _____ for follow up.

SAMPLE