



MONTANA STATE PRISON OPERATIONAL PROCEDURE

Procedure:	MSP HS G-05.1	RIGHT TO REFUSE MEDICAL TREATMENT
Effective Date:	11/01/2010	Page 1 of 2
Revision Date(s):	12/31/2019; 06/30/2026	
Public Safety Chief Signature:	/s/ John Schaffer, Public Safety Chief	
Medical Director Signature:	/s/ Dr. Paul Rees, MD	
Health Services Bureau Chief Signature:	/s/ Cynthia McGillis-Hiner, RN, MSN	

I. PURPOSE

Ensure inmates are granted the right to refuse medical care and treatment.

II. DEFINITIONS (see Glossary)

III. REQUIREMENTS

A. Assurances

1. All inmates have the right to refuse medical treatment.
2. Facility and health care providers and staff will not punish inmates for exercising their right to refuse medically recommended treatment.
3. Health care staff will:
 - a. ensure the inmate is informed of the purpose for a recommended procedure or medication; and
 - b. provide an explanation of the potential risk involved in the inmate's refusal of treatment.

B. Refusal Process

1. The inmate or a staff member notifies health care staff of the refusal of treatment or therapy.
2. Within the Electronic Health Record (EHR), health care staff will complete the following sections of Specific Informed Consent:
 - a. description of treatment or therapy refused; and
 - b. the treatment or therapy recommended.
3. The staff member who initiates the form will:
 - a. provide the offender with face-to-face education related to:
 - 1) ordered treatment or therapy;
 - 2) negative impacts of refusing treatment or therapy;
 - 3) options to obtain treatment or therapy at a later date;
 - 4) follow-up with the ordering provider; and
 - b. document the offender's reason for refusal.
4. If the inmate is unwilling to sign the refusal, health staff will document in the health record.
5. If the offender is not present, the Specific Informed Consent will be completed, as above, and mailed to the offender.

6. The offender may respond via "Health Care Request."
7. If an inmate refuses routine sick call or a single dose of medication, health care staff will only require the inmate to sign the medical refusal form, provided the refusal does not seriously jeopardize the inmate's health.
8. A refusal of care does not waive the inmate's right to subsequent health care by refusing treatment at a particular time.
9. Health care staff will not allow inmates to sign a blanket refusal for treatment.

C. Counseling

1. Health care staff will counsel any inmate who repeatedly refuses assessments, clinic appointments, or medication pass.
2. When the inmate's refusal may seriously jeopardize the inmate's health, health care staff will:
 - a. inform the inmate about the benefits and risks of the proposed treatment or medication;
 - b. provide counseling in the health services area or other private clinical setting; and
 - c. document the meeting in the inmate's health record.

D. Separate Housing

1. When an inmate refuses treatment, and the inmate has a medical condition that poses a health risk to others, health care staff may isolate the inmate from the general population.
 - a. In such cases, designated health care staff will consult with custody and classification staff to determine the appropriate housing for the inmate.

E. Life Threatening Situations

1. When an inmate's life is threatened by the inmate's refusal to accept medical treatment, the Health Services Bureau Chief, Medical Director, and Warden will immediately pursue legal counsel through Department Legal Services.

IV. CLOSING

Questions about this procedure will be directed to the Medical Health Services Manager.

V. REFERENCES

- A. *NCCHC Standard P-G-05, 2018*