



Refusal Of Treatment & Discharge Against Professional Advice Procedure

Procedure Number
WCDHB-PN-0007

Version Nos:
4

1. Purpose

This Procedure is performed as a means of enabling a patients' legal right to refuse treatment and outlines the process for documenting information provided to the patient, the patient's choice and discharge details.

2. Application

This Procedure is to be followed by the West Coast District Health Board (WCDHB) clinical staff.

3. Definitions

There are no definitions associated with this Procedure.

4. Responsibilities

For the purposes of this Procedure:

Clinical staff members are required to:

- discuss any request by a patient to refuse treatment/discharge themselves against professional advice;
- inform the responsible clinician/health professional if they are not initially involved;
- assesses whether there are legal grounds to detain the patient;
- complete the discharge process;
- document in the patient's medical record all actions undertaken.

5. Resources Required

This Procedure requires:

- i) WCDHB Refusal of Treatment/Discharge Against Professional Advice Form

6. Process

1.00 WCDHB recognises that patients have the right to refuse treatment and to discharge themselves against professional advice as per Section 11 of the New Zealand Bill of Rights (1990) and Right 7(7) of the Code of Health and Disability Services Consumers Rights (1996), except where the patient is either undergoing assessment pursuant to Sections 11 and 13 of the Mental Health Compulsory Treatment and Assessment Act (1992), or is subject to a compulsory treatment order (under the Mental Health Compulsory Treatment and Assessment Act (1992)) during the first month of that order.

- 1.01 If a patient indicates that they wish to refuse any treatment, or discharge themselves against the professional advice of WCDHB clinical staff, then they are to discuss with the patient:
- i) their concerns/reasons for wishing to discharge themselves; and
 - ii) the implications/consequences of their choice.



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- 1.02 The responsible clinician/health professional is also to be informed if they have not been involved in the process to this point.
- 1.03 After having completed Section 1.01, and the patient still wishes to refuse any treatment, or discharge themselves, they are to be offered a second opinion or discussion with another clinical staff member.
- 1.04 The responsible clinician or staff member is to assess whether there are legal grounds to detain the patient, and are to consult with the relevant Service Manager and/or Risk Manager if necessary.
- 1.05 Consideration is also to be given to exercising the powers of detention granted under Section 111 of the Mental Health (Compulsory Assessment and Treatment) Act (1992) (see *WCDHB Detention Of Voluntary Patients Procedure*), or to initiating assessment and treatment under the Mental Health (Compulsory Assessment and Treatment) Act (1992).
- 1.06 If the patient still refuses treatment, or wishes to discharge themselves, then their views must be complied with.
- 1.07 All clinical staff involved must document clearly in the patient's medical record the:
- reasons why the patient refused treatment/ discharge themselves; and
 - That the likely consequences to the patient of refused treatment/ discharge themselves were explained to the patient, and that the patient still refused treatment/ discharge themselves.
- 1.08 Clinical staff are to complete the discharge process, which includes:
- i) completing the discharge summary and summary of care (MH only);
 - ii) providing for the patient's medication needs;
 - iii) completing any special benefit forms/certificates;
 - iv) making arrangements for the transport of the patient;
 - v) establishment of links with community based services or other providers/ caregivers e.g. Community Nursing, Community Mental Health, Work and Income New Zealand
 - vi) documenting all activities taken in the patient's medical record.
- 1.09 Clinical staff are to ensure that the patient completes the WCDHB Refusal of Treatment/Discharge Against Professional Advice Form, and once completed this is to be placed into the patient's medical record.
- 1.10 The relevant Unit/Service/Department Manager must then be informed (including After Hours Co-Ordinator (where relevant)).

7. Precautions And Considerations

- ➔ Patients have the right to refuse treatment and to discharge themselves against professional advice
- ➔ If after discussing the matter with the patient, they still refuse treatment, or wish to discharge themselves, then their views must be complied with.

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- Clinical staff are to ensure that the patient completes the WCDHB Refusal of Treatment/Discharge Against Professional Advice Form

8. References

New Zealand Bill of Rights (1990)

Mental Health (Compulsory Assessment and Treatment) Act (1992) and Amendments

Code of Health and Disability Consumers' Rights (1996)

9. Related Documents

WCDHB Refusal/Withholding of Medications Procedure

WCDHB Detention of Voluntary Patients Procedure

WCDHB Discharge Procedure

WCDHB MHS Discharge and Transfer Procedures

WCDHB Refusal of Treatment/Discharge Against Professional Advice Form

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