

Series: Operating Procedures **COA:** CR 1.03
CFOP: 175-40
Procedure Name: Consent for Medical Screening
Procedure Number: OP-1040
Revision #/Date: (1) 09/30/04
Effective Date: 01/15/97
Applicable to: All CBC of Brevard staff involved in requesting or providing medical screening, examination, treatment, mental health and substance abuse services of a child in physical or legal custody of CBC of Brevard

SUBJECT: Consent for Medical Screening, Examination, Treatment, Mental Health and Substance Abuse Services of Children in Physical or Legal Custody of CBC of Brevard.

PURPOSE: This operating procedure establishes consent requirements for medical screening, examination, treatment, mental health and substance abuse services of children in the physical or legal custody of CBC of Brevard

PROCEDURE:

References

Florida Administrative Code.

Relevant statutory provisions relating to medical screening, examination and treatment of children are as follows:

- a. Section 39.407, Florida Statutes.
- b. Section 415.507, Florida Statutes.
- c. Sections 743.064 and .0645, Florida Statutes.

See also Rule 10M-6.138, and Rule 59G-4.080,

Definitions

Mental health and Substance abuse definitions can be found in CBCB procedure OP-1096.

a. "Authorized agent of CBC of Brevard" means a person assigned to perform duties or exercise powers as defined in Chapters 39 and 415, and sections 743.064 and 743.0645, Florida Statutes. For purposes of this operating procedure, licensed shelter and foster parents shall be considered authorized agents of CBC of Brevard.

b. "Blood testing" includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) testing and other blood testing deemed necessary by documented history or symptomatology, but excludes HIV testing and controlled substance testing or any other testing for which separate court order or informed consent as provided by law is required.

c. "Emergency medical care or treatment" means care or treatment for injury or acute illness, disease or condition, delay of which, within a reasonable degree of medical certainty, would

endanger the health or physical well-being of the patient. Licensed physicians, osteopathic physicians, emergency medical technicians and paramedics specified in section 743.064, Florida Statutes, are authorized to provide such treatment to a minor without parental consent if the minor is unable to name his parents or the parents cannot be immediately located by telephone.

d. "Licensed health care professional" means a physician licensed under Chapter 458 or 459, Florida Statutes, a nurse licensed under Chapter 464, Florida Statutes, a physician's assistant certified under Chapter 458, Florida Statutes, or a dentist licensed under Chapter 466, Florida Statutes.

e. "Medical care and treatment" includes routine, ordinary and necessary medical and dental examination and treatment, including blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care, but does not include surgery, general anesthesia, provision of psychotropic medications, or other extraordinary procedures for which a separate court order or informed consent as provided by law is required.

f. "Medical screening" means those non-invasive procedures, including Early Periodic Screening, Diagnosis, and Treatment, performed by an appropriately licensed health care professional and considered necessary to determine if the child is in need of medical treatment for illness, injury or a communicable disease, including need for immunization. Medical screening shall not include procedures which require puncture of the skin (other than a blood sample), a pelvic examination, an internal rectal examination, or any such procedure which requires other than external observations concerning an orifice of the body.

g. "Person who has the power to consent as otherwise provided by law" includes a natural or adoptive parent, legal custodian, or legal guardian.

General Requirements

a. There is statutory authority for CBC of Brevard to have children medically screened without parental or guardian consent and without a court order. Accordingly, staff must seek medical screening for children entering shelter or foster care within 72 hours of removal.

b. Such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness and communicable disease, including need for immunization.

c. CBC of Brevard also has statutory authority to consent to treatment for a child who, as a result of the medical screening, is determined by a licensed health care professional to be in need of medical treatment. This authority shall only be used if the parent or guardian is unavailable and a court order cannot reasonably be obtained within the time frame deemed necessary by the licensed health care professional for the treatment to be given. In such an instance, a court order shall be obtained and placed in the child's record as soon as reasonably possible following the treatment.

d. If the parent or guardian refuses to consent to treatment for the child, a court order shall be obtained unless the condition is deemed an emergency.

- e. All actions concerning attempted parental or guardian contact, the medical history or attempt to gather a medical history, and current medical condition, screening or treatment of the child, shall be documented in the child's record.
- f. For general health care plan and informed consent requirements, see section 10M-6.138, Florida Administrative Code.
- g. Minors can consent to their own examination and treatment for a sexually transmitted disease pursuant to section 384.30, Florida Statutes; to family planning services under certain conditions pursuant to section 381.0051(5), Florida Statutes; and voluntary substance abuse treatment services pursuant to section 397.601, Florida Statutes.
- h. Mental health and Substance abuse definitions can be found in CBC OP-1096
- i. CBC does not provide services to minors without the consent of his/her parent or guardian.

Screening Procedure

- a. The authorized agent of CBC of Brevard shall have available at all times the list of predetermined providers, by county, where the child may receive medical screening.
- b. Efforts must be made to obtain the child's medical history or current medical condition from the parent or guardian. If no parent or guardian is available, the open provider lines on the client information system must be checked and a known health care provider contacted. A closed provider line from a health agency would also suggest information is available and must be checked.
- c. If at any time medication or a medical device needed by the child is secured from the home, the authorized agent of CBC of Brevard will insure that the shelter or foster parent receives appropriate instruction or training regarding the use of the device or medication from the prescribing physician or agency with whom the child is enrolled for care. The shelter or foster parent shall be given the necessary information prior to usage of such medication or device.

Treatment Procedure

- a. An authorized agent of CBC of Brevard has the authority to consent to ordinary and extraordinary medical/mental health/substance abuse care for a child whose parents' rights have terminated.
- b. Although parental consent should always be sought first, an authorized agent of CBC of Brevard has the authority to consent to ordinary and necessary medical care for a child ordered into the temporary legal custody of CBC of Brevard for placement in foster care. See definition 4f above. Additionally, administrators of facilities licensed under section 409.175, F.S., are authorized to provide consent for ordinary and necessary medical treatment for children placed in their care.
- c. In situations involving a child in the physical custody of CBC of Brevard for placement in shelter care, when ordinary and necessary medical treatment, including immunizations, is necessary and the situation is not considered an emergency, the authorized agent of CBC of Brevard shall:

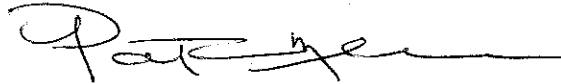
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- (1) Make and document a reasonable attempt to obtain consent from the parent or guardian;
- (2) If the parent or guardian cannot be located, obtain a court order if the services of the court are available; or,
- (3) If the court is not available and the treatment procedure is essential for the child's well-being, give consent for necessary medical treatment and obtain court authorization, or parental or guardian consent, as soon as reasonably practicable and place it in the child's case file.
- (4) If the parent or guardian refuses to consent, a court order shall be obtained unless the condition is deemed an emergency. The court should be notified of the treatment and the position of the parents regarding same, at the first available opportunity.

d. Nothing in section 39.407, Florida Statutes, releases the parent or guardian from their obligation to pay for medical (mental health/substance abuse) treatment even though they have not consented to the treatment. The parents can be court ordered to reimburse CBC of Brevard as well as other service providers for the cost of the services. The necessary information shall be obtained so that every effort can be made to secure reimbursement.

e. In no case shall CBC of Brevard, or any authorized agent of CBC of Brevard, give consent to sterilization, abortion, or termination of life support.

BY DIRECTION OF THE CHIEF EXECUTIVE
OFFICER:



DR. PATRICIA NELLIUS-GUTHRIE
Chief Executive Officer
CBC of Brevard, Inc.

APPROVAL DATE: 1/16/09