

Determination of Capacity (≥ PL1)

Clinical Indications:

1. To determine if a patient has present mental capacity to make an informed decision to accept or refuse care. All refusals should be conducted in accordance with the [Refusal of Treatment / Transport](#) standard and [definition of a Patient](#) standard.

Contraindications:

1. Unsafe scene or condition.

Procedure:

1. If the patient is suicidal or homicidal, then immediately contact police.
2. In order to have decision making capacity, then the patient must be 18 years of age or if a minor then be emancipated. Patient cannot suicidal or homicidal or have had their decision-making capacity removed by determination of a court of law.
3. If the above criteria have been met, then the patient must be assessed for the ability to demonstrate the following:
 - a. Does the patient understand their illness or injury, and the benefits of treatment and/or evaluation; and
 - b. Does the patient understand the consequences, including death, of not seeking treatment and/or evaluation for their illness or injury; and
 - c. Does the patient understand the alternatives to immediate care by EMS; and
 - d. Can the patient describe in their own words the above components and provide a defined reason for their decision to refuse treatment and/or transport?
4. Utilize the [Determination of Capacity checklist](#). If there is any uncertainty about the patient's present mental capacity, then contact Online Medical Control.
5. Every individual who has demonstrated present mental capacity has a legal right to refuse medical treatment, even if that refusal is contrary to the beliefs of the provider or may result in potential harm to the patient. It is a healthcare provider's responsibility to provide the patient with information about the risks of refusal and the benefits of treatment and/or evaluation so that their decision is informed.
6. If it is determined that a patient who wishes to refuse care lacks the present mental capacity to do so, then contact Online Medical Control and a Supervisor to assist with the process.
7. Document any allowed history and exam, the absence of suicidal or homicidal ideation, the components of the capacity assessment, and any contact with Online Medical Control.