



LOMA LINDA  
UNIVERSITY  
MEDICAL CENTER

# LOMA LINDA UNIVERSITY MEDICAL CENTER

## OPERATING POLICY

<b>CATEGORY:</b>	PATIENT RIGHTS	<b>CODE:</b>	P-8
<b>SUBJECT:</b>	EMERGENCY TREATMENT WHEN CONSENT IS UNOBTAINABLE	<b>EFFECTIVE:</b>	04/2016
		<b>REPLACES:</b>	05/2013
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Related Policies:

[Patient Consent \(P-2\)](#)

[Conflict Resolution Regarding Patient Care \(P-12\)](#)

1. LLUMC shall not permit any treatment unless the patient, or a person legally authorized to act on behalf of the patient, gives consent for such at time of admission, prior to treatment. Exception (based on implied patient/patient representative consent): In case of a medical emergency in which the patient or the patient's representative is incapable of giving consent, treatment may proceed without the patient/patient representative consent if all of the following conditions are met:
  - 1.1 The patient is unable to give consent or the legal representative is unable, unavailable, or has insufficient time to give consent, and
  - 1.2 A physician determines that:
    - a. Immediate services are required for the alleviation of severe pain, or
    - b. Immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated, and
  - 1.3 The possibility of obtaining the necessary consent is assessed and weighed against the possibility that a delay in treatment in order to secure such consent would result in the patient's serious disability or death, or continuing severe pain, thereby justifying such immediate action.
2. In emergency situations where all of the conditions of section 1 above are satisfied and where neither the patient nor the patient's legal representative is able to consent to treatment, the licensed physician shall:
  - 2.1 Record and sign an opinion as to the necessity of emergency care.
  - 2.2 Limit treatment to that which is necessary to alleviate pain, or to prevent the patient's disability or death.

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3. The emergency treatment exception may not apply (i.e., emergency treatment may not be given) if:
  - 3.1 A patient/patient representative has refused medical treatment and the emergency arises from the fact that the refused treatment was not given.

NOTE: The emergency treatment exception shall, however, be applicable if the conditions for emergency treatment are met and the medical emergency is the result of a medical condition or injury that is not specifically related to the condition or injury for which the patient previously refused treatment.
  - 3.2 Evidence exists to indicate that the patient/patient's legal representative would refuse the treatment, such as a particular religious belief, a relative's statement regarding the patient's wishes, or a previous refusal of such treatment.
  - 3.3 The purpose is to thwart a valid exercise of a patient or the patient's legal representative's refusal of particular medical treatment (e.g., a valid and binding directive prepared under the Natural Death Act or Self Determination Act.)
4. When the emergency condition no longer exists, valid consent must be obtained for admission and any further treatment.

Reference CHA chart “Consent for [Medical Treatment of Adults](#)”

APPROVED: Hospital Executive Leadership, LLUMC Chief Executive Officer, LLUMC Medical Staff President, Janet Kroetz