

LCCS POLICY 360

Investigating Allegations Involving the Withholding of Appropriate Nutrition, Hydration, Medication, or Medically Indicated Treatment from *Disabled Infants with Life Threatening Conditions. (AKA: Baby Doe)

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See new Policy #:	

Scope:	Assessments/Intake Department, Health Services Department, Family Services Department
Responsibility:	Assessments Manager, Assessments Assistant Manager, Assessment Supervisor Responsible for Out-of-Home Care Investigations, Out-of Home Care Investigators
Purpose:	To assure disabled infants receive appropriate nutrition and medical care.
Legal Cite:	O.R.C. §2151.03, 2151.33, 2151.414, 2141.419, 2151.421; O.A.C. 5101:2-36-07

POLICY STATEMENT

LCCS will accept reports that allege the neglect of disabled infants with life threatening conditions.

LCCS will respond within one hour to allegations of neglect with regards to disabled infants with life threatening conditions. If the incident is not occurring within our jurisdiction LCCS will advise the referral source and call the appropriate PCSA within one hour of receipt of report.

Note: This responsibility cannot be delegated to any other public or private agency.

PROCEDURE - including required timeframes and documentation

Procedures:

Health Services Supervisor will maintain current information regarding the following:

- The name, address, and telephone number of each health care facility within its jurisdiction;

- The name, title, and telephone number of the contact person designated in each of these facilities to respond to allegations regarding the subjects of this policy;
- The name of the chairperson of the facilities review committee, if such a committee exists;
- The internal PCSA procedures for intervening in these types of cases.

The **Health Services Supervisor** will provide the above information to the Manager of Assessments and will update the information annually.

When the **Intake Specialist** determines that a referral being made involves a subject of this policy, he/she will immediately notify the Assistant Manager of Assessments and the Assessments Manager. In their absence their designee and the Assessments Supervisor responsible for out-of-home care investigations will be notified.

The **Intake Specialist** shall gather as much information from the referral source as possible in order to determine if the report involves a subject of this policy. The following information shall be obtained:

- Name and address of the disabled infants' parents, guardian, or custodian.
- Name, gender, and date of birth of the disabled infant
- Name and address of the Health Care Facility where the infant is being treated.
- The medical condition of the infant
- Whether the infant is currently receiving appropriate nutrition, hydration, medication, or medically indicated treatment.
- The basis for the referral source's belief that any or all of the above mention care is being withheld.
- Names addresses and phone numbers of collateral sources of information regarding the care of the infant.
- Name, address and phone number of the referral source and/or source of the information.

The **Intake Specialist**, within **1 hour** of receipt of the report, will:

- Contact the Health Care Facility's Administrator or designee to obtain information regarding the condition of the infant.
- Review the information received from the reporting source and the Health Care Facility designee with the Assessments Assistant Manager and/or the Assessments Manager to determine if there is a need to initiate an assessment.

Depending on the particulars of the case, LCCS may seek the assistance of their medical consultant to evaluate the child's medical information, including medical records obtained during the preliminary assessment.

When a determination is made that the report does NOT constitute alleged withholding or any other form of CA/N, LCCS will cease assessment activities.

When a determination is made that the report does constitute alleged withholding, the referral will be assigned to an Assessments worker.

Assigned Assessments worker, within **24** hours of receipt of the report, will provide verbal notification to the disabled infant's parents, guardian, or custodian that the agency has received a report regarding alleged withholding.

An attempt to establish face to face contact with the parent shall be made within 24 hours of screening in the report. The purpose of this contact is to:

- Inform the parent, guardian or custodian of the purpose of the assessment/investigation;
- See parental consent for medically indicated treatment, if applicable;
- Determine if the parent, guardian or custodian agrees on the course of action to be followed;
- Determine if the parent, guardian, or custodian was presented with all treatment options by the medical treatment team;
- Determine if the prognosis of the disabled infant was presented to the parent, guardian or custodian;
- Assess if the parent, guardian, or custodian understands the information provided by the medical treatment team;
- Determine the nature and degree of parental involvement in the decision to deny treatment or sustenance to the alleged child victim, if applicable.

Assigned Assessments worker, in conjunction with the medical consultant, if applicable, conducts interviews of the attending physician, health care administrator and/or staff responsible for the disabled infants care to obtain the following information:

- The measures that have been taken by the health care facility to provide appropriate nutrition, hydration, medication, or medically indicated treatment to the disabled infant.
- Whether the disabled infant's attending physician with the consent of the parents, guardian, or custodian will sustain needed life –supporting care for 24 hours while LCCS continues the assessment.
- The condition of and risk to the infant, including whether the infant is chronically and irreversibly comatose; whether the provision of medical care would merely prolong dying, not be effective in improving or correcting any or all of the infant's life-threatening conditions; or otherwise be futile in terms of the survival of the infant; and whether the provision of medical care would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.
- Plans made to convene a meeting of the health care facility's review committee or to adopt the recommendations of the committee, if they have already met.

In conjunction with the medical consultant, if applicable, LCCS will review the infant's medical records in their entirety if deemed necessary.

If the infant is receiving appropriate care with or without court intervention and there is sufficient documentation to determine that treatment will continue to be provided, then LCCS will terminate assessment activities.

If, after reviewing the information obtained from all identified sources, a determination is made that the infant is a neglected child, then LCCS will immediately:

- Conduct face to face interviews with the infant’s parents, guardian, or custodian to discuss the purpose of the assessment and seek consent to provide appropriate care.
- If consent is NOT obtained, request assistance from the LCCS Legal Department in order to obtain an emergency court order granting authorization to provide medical care and treatment.

No later than three working days from the date of the completion of the report disposition, the worker will provide written notification of the report disposition to the following entities:

- 1) Administrator, director, or other chief administrator of the health care facility;
- 2) The owner or governing board of the health care facility;
- 3) The appropriate licensing and supervising authorities of the health care facility.

LCCS shall monitor the case through regular contact with the health care facility designee to determine whether appropriate care is being provided.

The LCCS worker of record will immediately notify the LCCS Legal Department when there is a failure to provide care and treatment to the infant.

LCCS worker of record shall assist parents, guardian, or custodian in contacting agencies that provide services to disabled infants and their families, including agencies that provide financial support or reimbursement costs for medical and rehabilitative services.

If the case is opened and assigned to Family Services Department, the Family Services Supervisor will request a Health Services nurse be assigned to provide the medical technical support needed to ensure the above happens.

LCCS shall document in the case record all activities performed in compliance with this policy.

CASE PRACTICE GUIDES

A disabled infant is defined as a child less than one year of age who has a physical or mental handicap which substantially limits or may limit in the future one or more major life activities, such as self-care, receptive and expressive language learning and mobility.

The list of all the health care facility’s within Lucas County and all the current information required as listed in the policy statement will be gathered, maintained and updated annually by the LCCS Health Services Department.

RELATED POLICIES and FORMS