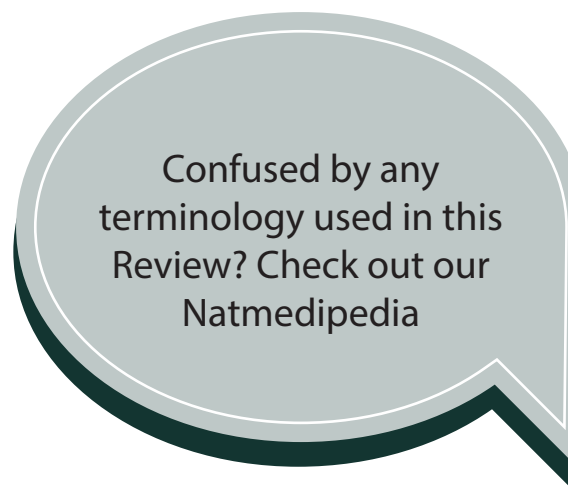


# NATMED'S TEN TAKEAWAYS



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## Informed Consent Series Part 4 of 10: Special rules for emergencies

- 1 The rules for informed consent are different in an emergency situation where a patient is unable to give consent (for example they are unconscious) and irreversible damage to their health or death will result if medical assistance is delayed.
- 2 If the patient is unable to consent to or refuse medical treatment, consent may be provided by the following people, in this order: a person mandated in writing by the patient to provide consent on their behalf; a person authorized by any law or a court order to give consent; the patient's spouse or partner; the patient's parent, grandparent, adult child, adult brother or sister. This hierarchy is set out in section 7 of the National Health Act.
- 3 If a family member or authorized representative is not available at the time of an emergency to give consent, treatment should be initiated and an effort should be made to contact the family or representative in order to obtain consent as soon as possible. Section 5 of the National Health Act says that a health care provider may not refuse a person emergency medical treatment.
- 4 An emergency situation does not override a patient's prior express refusal of certain medical interventions (for example the patient, while conscious and alert, expressed that they do not want to be resuscitated under specific circumstances, and they are now unconscious). However, consent is not required if a failure to treat the patient will result in a serious risk to public health.
- 5 Generally, if a patient recognizes their surroundings and the people around them, they are able to consent to or refuse treatment.
- 6 If a patient is conscious but confused, acting against his or her wishes in an emergency may be justified. However, just because the patient's choice to refuse treatment may seem irrational to the doctor is not evidence in itself that the patient lacks capacity to make the decision.
- 7 The medical practitioner must assess the patient's mental capacity as far as possible before acting on the refusal of treatment in an emergency.
- 8 After necessary emergency medical treatment is given, the patient must be informed of the details relating to the medical treatment already provided and must also be provided with all the relevant information necessary for the patient to decide if they would like to continue further treatment.
- 9 If a patient is admitted to a hospital or other health establishment without consent, the relevant provincial authority must be notified of the admission within 48 hours unless the patient consents to the provision of any health service in that health establishment within 24 hours of admission.
- 10 A patient can withdraw consent at any time.

Natmed's Top Ten Takeaways series is a first stop point of reference for busy healthcare practitioners and healthcare facility operators and intended to be referenced in conjunction with the Natmed "What If?" series, Natmed's Medical Defence Review and the Natmedipedia.



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