

SECTION .0300 - RIGHT TO REFUSE TREATMENT

10A NCAC 28D .0301 THERAPEUTIC AND DIAGNOSTIC PROCEDURES

(a) In addition to the treatment procedures specified in G.S. 122C-57(f), other intrusive procedures which are not routine medical diagnostic or treatment procedures shall require the express and informed written consent of the client or his legally responsible person prior to their initiation except in medical emergencies. Such procedures shall include but are not limited to the following:

- (1) procedures that introduce radioactive dyes;
- (2) hyperalimentation;
- (3) endoscopy;
- (4) lumbar puncture;
- (5) prescribing and administration of the following drugs:
 - (A) Antabuse;
 - (B) Clonidine when used for non-FDA approved uses; and
 - (C) Depo-Provera when used for non-FDA approved uses; and
- (6) neuroleptic drug therapy following the diagnosis of tardive dyskinesia or after the symptoms of tardive dyskinesia have appeared as observed by using a standardized abnormal involuntary movement rating scale.

(b) Non-emergency surgery, and other therapeutic and diagnostic procedures as specified in Paragraph (a) of this Rule, shall not be performed on a client unless the client or his legally responsible person has been provided with sufficient information concerning the proposed procedure in order to make an educated decision about the treatment measure and has consented in writing.

(c) Emergency surgery may be performed on a client without consent as specified in Paragraph (b) of this Rule only when:

- (1) immediate action is necessary to preserve the life or health of the client;
- (2) the client is unconscious or otherwise incapacitated so as to be incapable of giving consent;
- (3) in the case of a minor or incompetent adult client, the consent of the legally responsible person cannot be obtained within the time necessitated by the nature of the medical emergency, subject to the provisions of G.S. 90-21.1 et seq.; and
- (4) the attending physician and a second physician certify in writing that the situation requires emergency surgery.

History Note: Authority G.S. 90-21.1; 90-21.13; 122C-51; 122C-57; 131E-67; 143B-147; Eff. October 1, 1984; Amended Eff. April 1, 1990; July 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.