

5101:2-36-07

Procedures for intervening in cases involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions.

(A) The public children services agency (PCSA) shall maintain all of the following:

- (1) Current information regarding the name, address, and telephone number of each appropriate health care facility within its jurisdiction.
- (2) The name, title, and telephone number of each facility's contact person for allegations involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions, hereinafter referred to as alleged withholding.
- (3) The name and chairperson of the appropriate health care facility's review committee, if such a committee exists.
- (4) The PCSA's internal procedures outlined in the county child abuse and neglect memorandum of understanding for intervening in cases involving alleged withholding.

(B) When the PCSA screens in a child abuse and/or neglect report involving alleged withholding, the PCSA shall engage in the following activities within one hour of the screening decision:

- (1) Contact the appropriate health care facility's administrator or designee, if not the original referent to obtain information regarding the condition of the infant.
- (2) Review the information received from the referral source and the appropriate health care facility designee to determine if there is a need for initiation of an assessment/investigation. This evaluation should be done by the PCSA caseworker in conjunction with the supervisor and/or administrative staff.

(C) Depending on the particular case, the PCSA may decide to seek the assistance of a qualified medical consultant to evaluate the child's medical information, including medical records, obtained during the preliminary medical assessment.

(D) When the PCSA screens in a child abuse and/or neglect report involving alleged withholding, the PCSA shall engage in the following activities within twenty-four hours of the screening decision:

- (1) Provide verbal notification to the disabled infant's parent, guardian, or custodian that the PCSA received information alleging that a disabled infant with a life-threatening condition has not received medically indicated treatment.
- (2) In cooperation with the medical consultant, if applicable, conduct interviews of the attending physician and health care facility staff to obtain all of the following information:

- (a) The measures that the appropriate health care facility has taken to provide medically indicated treatment to a disabled infant.
- (b) Whether the disabled infant's attending physician, with the consent of the disabled infant's parent, guardian, or custodian will sustain needed life-supporting care for twenty-four hours while the PCSA continues the assessment/investigation.
- (c) The condition of and risk to the infant including:

 - (i) Whether the infant is chronically and irreversibly comatose.
 - (ii) Whether the provision of medical treatment would merely prolong dying, not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of the survival of the disabled infant.
 - (iii) Whether the provision of medical treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.
- (d) Plans made to convene a meeting of the health care facility review committee or to adopt the recommendations of the appropriate health care facility review committee, if a meeting was held.
- (3) Pursue any legal remedies that may be necessary to prevent the withholding of medically indicated treatment from the disabled infant with life-threatening conditions.
- (E) In cooperation with the medical consultant, if applicable, the PCSA shall review the disabled infant's medical records, if indicated.
- (F) If the disabled infant is receiving medically indicated treatment with or without court intervention and there is sufficient documentation that the treatment will continue to be provided, the PCSA shall terminate assessment/investigative activities.
- (G) If after reviewing the information obtained from the appropriate health care facility, a determination is made that the disabled infant is a neglected child as defined in division (C) of section 2151.03 of the Revised Code due to the withholding of medically indicated treatment, then the PCSA shall immediately:

 - (1) Conduct face-to-face interviews with the infant's parent, guardian, or custodian to discuss the purpose of the assessment/investigation, complete an assessment/investigation pursuant to rule 5101:2-36-03 of the Administrative Code, and seek consent to provide medically indicated treatment.

- (2) If consent is not obtained, request assistance from the county prosecutor or the city director of law in order to obtain an emergency court order granting authorization to provide medical care and treatment.
- (H) Within fifteen calendar days from the completion date of the assessment/investigation, the PCSA shall submit a written summary to Ohio department of job and family services (ODJFS). The summary shall include all of the following:
- (1) The date the allegation was received.
 - (2) The allegations.
 - (3) The names of the principals of the case, their dates of birth, their sex, and their relationship with each other.
 - (4) The names of the persons interviewed, the dates interviewed, and a summary of the interviews.
 - (5) A copy of the medical consultant's findings, if applicable.
 - (6) A copy of the appropriate health care facility review committee's report, if one exists and the committee met.
 - (7) The date the assessment/investigation was completed.
 - (8) The report disposition.
 - (9) The agency's plan for provision of services.
- (I) The PCSA shall monitor the case through regular contact with the appropriate health care facility designee to determine whether the medically indicated treatment is being provided. The prosecuting attorney or city director of law shall immediately be notified when there is failure to provide care and treatment to the disabled infant.
- (J) The PCSA shall assist the parent, guardian, or custodian in contacting agencies that provide services for infants with disabilities and their families including agencies that provide financial support or reimbursement of costs for medical and rehabilitative services.
- (K) The PCSA shall record all activities performed in compliance with this rule in the case record.

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Certification

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