

Patients who self discharge or refuse treatment

The VSCC has had two recent cases for review where a patient has refused to remain in hospital for treatment, discharged themselves on their own volition, and subsequently died.

One example, briefly, involves a male, who may have been a narcotic addict, admitted to hospital with a severe infection. After a short time in hospital as an in-patient, he discharged himself. He returned two days later with an overwhelming septicaemia and died.

Cases where patients refuse recommended treatment, or self-discharge, raise both professional and legal issues. Doctors may not force retention of patients in hospital for vital medical treatment, although it may seem, at an altruistic level, a good idea. Forced retention, either physically or pharmacologically, against the wishes of a competent patient, would be unlawful.

What is the doctor's obligation? What can be done?

A competent patient is entitled to make decisions about their own medical treatment. If the mental competence of the patient is in doubt, then a professional assessment may be warranted.

Just as a patient is entitled to be told of the material risks of the treatment proposed, it is important that the doctor convey the material risks of not having the treatment. A patient who refuses recommended treatment, or seeks to discharge themselves from hospital, should be warned and advised of the risks they face in doing so. The patient should sign an appropriate discharge form (Refusal of Treatment Certificate), and detailed notes should be made by the doctor as to the advice provided by the doctor, and the decision made by the patient. If the patient, despite the explanation, insists on discharging themselves from hospital, then they should sign the relevant discharge form and acknowledge that they are aware of the risks. If they refuse to sign a discharge form, then all details of the explanatory conversation should be recorded in the hospital record (and preferably signed by the doctor and a witness).

Despite the patient insisting on discharging themselves, against medical advice, the patient must still be given appropriate medications and instructions, including instructions for return for review.

VSCC Approved: October 2008