



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 18.68-3 DOC	EFFECTIVE DATE: 10/20/2021	PAGE 1 OF 2
	SUPERCEDES: 18.68-2 DOC	DIRECTOR: 	
SECTION: HEALTH CARE		SUBJECT: RIGHT TO REFUSE TREATMENT	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(v), Powers of the director			
REFERENCES: NCCHC Standard # J-G-05, Informed Consent and Right to Refuse (important); The most recent version of RIDOC policies 18.65 DOC; Emergency Use of Forced Psychotropic Medications ; 18.72 DOC; Inmate Refusal to Take Nutrition ; <i>Laurie v. Senecal</i> , 666 A.2d 806 (RI 1995)			
INMATE/PUBLIC ACCESS?		<input checked="" type="checkbox"/> YES	
AVAILABLE IN SPANISH?		<input checked="" type="checkbox"/> YES	

I. PURPOSE:

The Rhode Island Department of Corrections (RIDOC) will ensure that a mechanism is in place for an inmate to refuse medical treatment, except under limited circumstances.

NOTE: The right to refuse treatment does not supersede the right of the State to preserve life (i.e., suicide attempt, hunger strike, other life-threatening medical condition).

II. POLICY:

Policies and defined procedures provide that an inmate can refuse, in writing, certain health treatment and care.

III. **PROCEDURES:**

- A. An inmate may, at the time of being offered certain health evaluation, treatment, or care, refuse said evaluation, treatment or care.

EXCEPTION: Inmates may **NOT** refuse:

1. Syphilis testing upon commitment.
 2. TB testing upon commitment and at any time deemed appropriate by the Medical Program Director.
 3. HIV testing upon sentencing.
 4. Isolation ordered by a physician for infection control.
 5. Forced psychotropic medications ordered by a physician on an emergency basis (please see the most recent version of RIDOC policy 18.65 DOC, [Emergency Use of Forced Psychotropic Medications](#)).
 6. Court-ordered medication and treatment (court-ordered Petition for Instructions to override their mentally incompetent treatment refusal).
 7. Nutrition, if a hunger strike results in a serious deterioration of health (see the most recent version of RIDOC policy 18.72 DOC, [Inmate Refusal to Take Nutrition](#)).
- B. The medical refusal shall be documented on the [Release from Responsibility for Medical Treatment](#) form. The requirement for written refusal generally is satisfied by the signature of the inmate on the refusal document, with a witness who acknowledges that the inmate read the refusal form, or had it read to him/her in a language he/she understands.
- C. If an inmate refuses to sign the form, it is to be noted on the form that "Inmate Refused to Sign" and requires a second health care or custody staff witness the form.