Allegation of Harm #79
MEDICAL NEGLECT

a) Definition

Medical or Dental Treatment

1) Treatment is the administration of a remedy to address a health condition.

Lack of medical or dental treatment for a health problem or condition that, if untreated or not treated as prescribed, could become severe enough to constitute serious or long-term harm to the child; lack of follow-through on a reasonable prescribed medical or dental treatment plan for a condition that could become serious enough to constitute serious or long-term harm to the child if the treatment or treatment plan goes unimplemented.

2) Management is the practice of providing care of a medical condition.

Lack of medical or dental management for a health problem or condition that, if unmanaged or not managed as prescribed, could become severe enough to constitute serious or long-term harm to the child.

Lack of proper or necessary health care recognized under State law as necessary for the child's well-being.

Proper and necessary preventive health care to include preventive health care, such as HIV and newborn screening tests that place children at serious risk of illness due to lack of early detection and treatment.

Health care professionals providing or managing treatment include physicians, physician assistants, nurse practitioners, nurses, dentists, physical therapists, infant development specialists and nutritionists.

b) Taking a Report

1) A child has not/is not receiving proper and necessary medical or dental care as defined above due to the blatant disregard of caregiver responsibilities by a parent, caregiver or other person responsible for the child’s welfare. (NEGLECT)

2) Factors to be considered include:

A) The child’s age particularly as it relates to the ability to obtain and implement treatment.

B) What is the seriousness of the child’s current health concern or condition?

C) What is the child’s physical condition?

D) What is the child’s developmental level/capacity?
E) If the child’s current health problem is not treated, what is the seriousness of the outcome?

F) What are the generally accepted health benefits of the prescribed treatment?

G) What are the generally recognized side effects/harms associated with the prescribed treatment?

H) For the purposes of child protection services, the administration of silver nitrate or ophthalmic solution and vitamin K shots or pills to newborns is considered medically necessary. Calls received at SCR concerning a parent or guardian denying consent for the administration of these treatments shall be taken as reports of medical neglect.

Note: If a physician notifies SCR that temporary protective custody has been taken because the parent/caregiver’s religious beliefs do not permit them to consent to necessary medical care, such information must be transmitted by the physician to the local State’s Attorney’s Office. No investigation will be taken unless there is additional information supporting other allegations of abuse or neglect.

c) Investigating a Report

1) Required Contacts:

All contacts and attempted contacts must be documented in a contact note within 48 hours.

There are no additional contacts specific to this allegation.

2) Required Activities:

All investigative activities must be documented in a contact or case note within 48 hours.

A) A medical examination of the child is required for this allegation and shall not be waived if the child is an infant, is non-verbal, or is developmentally delayed. In a hospital setting, the Child Protection Specialist should request that the treating physician or nurse complete a diagram supplied by the hospital or use the CANTS 2A/B.

B) A waiver of any of the above requirements must be approved by the Child Protection Supervisor and may require approval by the Area Administrator. Details of the request and the Supervisor’s decision must be documented in a supervisory note.
3) Required Documentation

A) After the definition of medical neglect is read to the medical professional making the diagnosis, documented medical diagnosis that the child was medically neglected and all relevant medical records, including prescription refill history if the neglect is a result of failure to provide necessary prescription medications.

B) To make a finding of neglect (Allegation #79), a medical opinion has been obtained and it is determined the child was medically neglected as a result of blatant disregard by an eligible perpetrator.

C) A waiver of any of the above requirements must be approved by the Child Protection Supervisor and may require approval by the Area Administrator. Details of the request and the Supervisor’s decision must be documented in a supervisory note.

4) Assessment of Factors and Evidence to Determine a Finding

A) Factors to consider include:

- What is the child’s health condition?
- What is the seriousness of the child’s current health condition?
- What is the probable medical and seriousness of the outcome if the current health condition is not treated?
- What are the generally accepted health benefits of the prescribed treatment/management?
- What are the generally recognized side effects/harms associated with the prescribed treatment/management?
- What is the judgment of the treating physician regarding whether treatment/management is medically indicated and whether there is credible evidence of medical neglect?
- Was the parent informed of the above and what is the parent’s ability to understand and/or carry out the treatment/management plan?
B) A medical or dental provider states or there is evidence to support that the child’s medical treatment/management plan is not being followed by the parent/caregiver and/or:

- A medical provider or other professional collateral states concerns about the behavior of the parent/caregiver associated with his or her willingness to follow or continue to follow the child’s medical treatment/management plan, and that the situation has or will result in medical consequences for the child: and/or

- There are conflicting medical opinions concerning the appropriate care for the child; and/or

- There is disagreement concerning the rights of the parent/caregiver to choose specific medical treatment/management plans.