

9560.0218 RESPONSE TO REPORTS OF INFANT MEDICAL NEGLECT.

Subpart 1. **Screening.** The local agency shall screen reports alleging infant medical neglect to determine whether the report meets the criteria in items A to E:

- A. the child is an infant as defined in part 9560.0214, subpart 13;
- B. the infant is hospitalized;
- C. the allegations constitute infant medical neglect as defined in part 9560.0214, subpart 13;
- D. the report contains sufficient identifying information to permit an assessment;
and
- E. the report contains information that has not previously been received by the local agency.

Reports meeting the criteria in items A to E must be assessed as soon as the report is received according to the procedures in subparts 2 to 6.

Subp. 2. **Hospital notice.** The local agency shall inform the hospital where the infant is hospitalized that a report of infant medical neglect has been received and contact the liaison designated by the hospital to handle reports of infant medical neglect.

Subp. 3. **Department consultation.** The local agency shall consult with the department's child protective services staff.

Subp. 4. **Consultation with parents and physician.** The local agency shall consult with the infant's parents, the attending physician, and other appropriate hospital staff to determine the parents' understanding of the infant's condition, treatment choices, and prognosis.

Subp. 5. **Medical consultation.** The local agency shall consult with an independent medical consultant who shall determine whether infant medical neglect has occurred.

A. The local agency shall arrange for a review by the medical consultant of the infant's medical records.

B. The local agency shall arrange for an examination of the infant by the medical consultant if necessary to make the determination. The local agency shall:

- (1) obtain consent from the infant's parents for the examination; or
- (2) if the parents do not consent, ask the county attorney to obtain an expedited court order for the examination.

Subp. 6. **Parental authorization.** If the medical consultant confirms infant medical neglect and recommends treatment, the local agency shall, with the medical consultant, seek authorization from the infant's parents for the recommended treatment.

Subp. 7. **Local agency determinations.** The local agency shall make determinations in accordance with item A or B.

A. If the parents authorize the recommended treatment, the local agency shall make a determination that maltreatment has not occurred and that child protective services are not needed.

B. If the parents refuse to authorize the recommended treatment, the local agency shall make a determination that maltreatment occurred and that child protective services are needed.

Subp. 8. **Protective intervention.** If the local agency makes a determination that maltreatment occurred and that child protective services are needed, the local agency shall:

A. ask the county attorney to obtain a transfer of legal custody of the infant to the local agency in order to provide the recommended treatment; and

B. provide protective services under part 9560.0228.

Statutory Authority: *MS s 256.01; 256E.05; 257.175; 393.07; 626.556*

History: *13 SR 303; 17 SR 3412*

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