

MAINE STATE LEGISLATURE

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September 19, 1961

Peter W. Bowman, M.D., Sup't.
Pineland Hospital & Training Center
Pownal, Maine

Dear Dr. Bowman:

Re: Necessity of consent by parent
for surgical and/or medical
treatment.

Your memorandum addressed to William E. Schumacher, M.D., has been referred to me for reply. When a parent voluntarily places a patient in your care and that parents' religious or other beliefs forbids certain medical or surgical treatments, and because of these beliefs consent is not given for such treatment, you are obligated to abide by the wishes of the parent. To go against the wishes of a parent in such a situation by administering the forbidden treatment would amount to a technical assault and battery upon the body of the patient.

When a patient is placed in your care through commitment proceedings you may administer to the needs of that patient in accordance with your medical judgement.

Since the recent situation which brought about your inquiry may be a recurring one, it may be well to analyze your present admissions policy as suggested in your memorandum.

Very sincerely yours,

Courtland D. Perry, II,
Assistant Attorney General

CDF/at.p