

HOSPITAL - PROCEDURE IF NOT EFFECTUATING A HEALTH CARE DIRECTIVE OR TREATMENT DECISION.

Policy

Based on HOSPITAL's Mission Statement and commitment to the ethical principles of Beneficence, Nonmaleficence, Autonomy and Justice we are called to provide to any patients only the care and treatment that will benefit the patient and preclude treatments that will not benefit or may harm the patient. We are encouraged to exercise responsible stewardship using available resources to balance the needs of charity with the demands of justice. We collaborate with physicians, other healthcare providers, patients and those who make decisions on behalf of patients, to assure effective and efficient use of resources.

This procedure provides a process and guidelines through which to work out differences when physicians and healthcare providers believe treatment choices made by a patient or the person making healthcare decisions for the patient are inappropriate or non-beneficial to the patient.

Procedure:

A. If an attending physician refuses to honor a patient's advance directive or a health care or treatment decision made by or on behalf of a patient, the physician's refusal shall be reviewed by the HOSPITAL Ethics Committee. If the attending physician is a member of the Ethics Committee the attending physician shall be recused from any vote. The patient shall be given medically reasonable life-sustaining treatment during the review.

B. The patient or the person making healthcare decisions for the patient who has made the decision regarding the directive or treatment decision:

(1) Shall be informed of the Ethics Committee review process not less than 48 hours before the meeting called to discuss the patient's directive, unless the time period is waived by mutual agreement;

(2) At the time of being so informed, shall be provided a copy of either Appendix A or B as appropriate which contains a description of the Ethics Committee review process, and

(3) Is entitled to:

(a) Attend the meeting; and

(b) Receive a written explanation of the decision reached during the review process.

(c) A copy of the written explanation will be included in the patient's medical record.

C. If the attending physician, the patient, or the person making healthcare decisions for the patient does not agree with the decision reached during the review process, the physician shall make a reasonable effort to transfer the patient to a physician who is willing to comply

with the directive. A HOSPITAL social worker or case manager will assist the physician in arranging the patient's transfer, at the patient's expense, to:

- (1) Another physician;
- (2) An alternative care setting within the HOSPITAL; or
- (3) Another facility.

D. If the patient or the person making healthcare decisions for the patient is requesting life-sustaining treatment that the attending physician has decided and the review process has affirmed is inappropriate or non-beneficial under the circumstances, the patient shall be given life-sustaining treatment pending transfer.

- (1) A plan of care addressing the patient's comfort and dignity will be continued.
- (2) The health care team will continue to provide appropriate medical care, including care to promote comfort, dignity, emotional and spiritual support.
- (3) The patient or the person making health care decisions for the patient should be reassured that ceasing aggressive forms of treatment does not mean the end of supportive care.

E. The physician and HOSPITAL are not obligated to provide life-sustaining treatment after the 10th day after the written decision reached during the review process is provided to the patient or the person making health care decisions for the patient.

F. At the request of the patient or the person making healthcare decisions for the patient, the Ethics Committee may extend the time period beyond 10 days if the Ethics Committee finds that there is a reasonable expectation that a physician or health care facility that will honor the patient's directive will be found if the time extension is granted.

F. If during a previous admission to HOSPITAL a patient's attending physician and the review process have determined that life-sustaining treatment is inappropriate, and the patient is readmitted within six months, another review is not necessary if the patient's attending physician and a consulting physician who is a member of the Ethics Committee document on the patient's readmission that the patient's condition either has not improved or has deteriorated since the review process was conducted.

STATEMENTS EXPLAINING PATIENT'S RIGHT TO TRANSFER.

In cases in which the attending physician refuses to comply with an advance directive or treatment decision requesting or refusing the provision of life-sustaining treatment, either the statement in Appendix A or B as appropriate, shall be given to the patient or person making healthcare decisions for the patient:

ATTACHMENT A

When There Is A Disagreement About Medical Treatment: The Physician Recommends Against Life-Sustaining Treatment That You Wish To Continue

You have been given this information because you have requested life-sustaining treatment*, which the attending physician believes is not appropriate under the circumstances. This information is being provided to help you understand your rights, and the resources available to you in such circumstances. It outlines the process for resolving disagreements about treatment among patients, families, and physicians.

When an attending physician refuses to comply with an advance directive or other request for life-sustaining treatment because of the physician's judgment that the treatment would be inappropriate or non-beneficial under the circumstances, the case will be reviewed by the HOSPITAL Ethics Committee. Life-sustaining treatment will be provided through the review.

You will receive notification of this review at least 48 hours before a meeting of the Ethics Committee related to your case. You are entitled to attend the meeting. With your agreement, the meeting may be held sooner than 48 hours, if possible.

You are entitled to receive a written explanation of the decision reached by the Ethics Committee. If after this review process both the attending physician and the Ethics Committee conclude that life-sustaining treatment is inappropriate and yet you continue to request such treatment, then the following procedure will occur:

1. The physician, with the help of HOSPITAL staff, will assist you in trying to find a physician and facility willing to provide the requested treatment.
2. The patient will continue to be given life-sustaining treatment until he or she can be transferred to a willing provider and facility for up to 10 days from the time you were given the committee's written decision that life-sustaining treatment is not appropriate.
3. The health care team will continue to provide appropriate medical care, including care to promote comfort, dignity, emotional and spiritual support.
4. If a provider and facility cannot be found willing to give the requested treatment within 10 days, life-sustaining treatment may be withdrawn unless the Ethics Committee has granted an extension.
5. You may ask Ethics Committee to extend the 10-day period if the Ethics Committee finds that there is a reasonable expectation that a physician or health care facility willing to provide life-sustaining treatment will be found if the extension is granted.

*"Life-sustaining treatment" means treatment that, based on reasonable medical judgment, sustains the life of a patient and without which the patient will die. The term includes both life-sustaining medications and artificial life support, such as mechanical breathing machines, kidney dialysis treatment, and artificial nutrition and hydration. The term does not include the administration of pain management medication or the performance of a medical procedure considered to be necessary to provide comfort care, or any other medical care provided to alleviate a patient's pain.

ATTACHMENT B

When There Is A Disagreement About Medical Treatment: The Physician Recommends Life-Sustaining Treatment That You Wish To Stop

You have been given this information because you have requested the withdrawal or withholding of life-sustaining treatment* and the attending physician refuses to comply with that request. The information is being provided to help you understand your rights and the resources available to you in such circumstances. It outlines the process for resolving disagreements about treatment among patients, families, and physicians.

When an attending physician refuses to comply with an advance directive or other request for withdrawal or withholding of life-sustaining treatment for any reason, the case will be reviewed by the HOSPITAL Ethics Committee. Life-sustaining treatment will be provided through the review.

You will receive notification of this review at least 48 hours before a meeting of the Ethics Committee related to your case. You are entitled to attend the meeting. With your agreement, the meeting may be held sooner than 48 hours, if possible.

You are entitled to receive a written explanation of the decision reached during the review process.

If you or the attending physician do not agree with the decision reached during the review process, and the attending physician still refuses to comply with your request to withhold or withdraw life-sustaining treatment, then the following procedure will occur:

1. The physician, with the help of HOSPITAL staff, will assist you in trying to find a physician and facility willing to withdraw or withhold the life-sustaining treatment.
2. You may wish to contact providers or referral groups or others of your choice to get help in arranging a transfer.

*"Life-sustaining treatment" means treatment that, based on reasonable medical judgment, sustains the life of a patient and without which the patient will die. The term includes both life-sustaining medications and artificial life support, such as mechanical breathing machines, kidney dialysis treatment, and artificial nutrition and hydration. The term does not include the administration of pain management medication or the performance of a medical procedure considered to be necessary to provide comfort care, or any other medical care provided to alleviate a patient's pain.