


Part 1

What Happens When You
Disagree with a Directive
by or on Behalf of Your
Patient to Provide Medical
Treatment?



Part 1 (cont.) What Does the Law Require?

The Law Requires:

If a patient or person authorized to make health care decisions for the patient directs **life-preserving treatment** for the patient that you provide to other patients, then . . . 

*Required by **Nondiscrimination in Treatment Act** (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes)*

Part 1 (cont.) What Does the Law Require?

... Then you **may not deny it** :

1. On the basis of a view that treats extending the life of an elderly, disabled, or terminally ill individual as of lower value than extending the life of an individual who is younger, nondisabled, or not terminally ill;

AND ...



*Required by **Nondiscrimination in Treatment Act** (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes)*


Part 1 (cont.) What Does the Law Require?


you may not deny it :

2. On the basis of disagreement with how the patient or person legally authorized to make health care decisions for the patient values the trade-off between extending the length of the patient's life and the risk of disability.

*Required by **Nondiscrimination in Treatment Act** (Sections 3090.2 and 3090.3 of Title 63 of the Oklahoma Statutes)*

Part 1 (cont.): Under the law, you need to ask yourself generally:

 Why do I disagree with the treatment...is it because of the person's age, disability, or terminal condition?

 Am I making decisions based on a disability that might result without considering that the patient may view the value of his or her life with the disability differently than I do?

Part 1 (cont.): Under the law, you need to ask yourself generally:



Do my treatment decisions change if I consider certain characteristics of my patients, for example – if the patient is a lonely 80-year old, a 50-year old with down syndrome, or a 30-year old with young children?



Am I looking at the medical case and patient history and honoring the patient's wishes (so long as the requests are legal)?

Part 1 (cont.) What if there is a fundamental disagreement about treatment that is not required by the anti-discrimination law?

If the patient or the patient's representative seek life-preserving health care services, and you disagree for reasons *not* in violation of the OK anti-discrimination law just covered:

In general, you must promptly seek and arrange transfer for the patient to another provider, and keep providing treatment to preserve the patient's life until the transfer is completed. (Explained on next slide)

Part 1 (cont.) When there is disagreement, the law specifically states:

With 3 possible exceptions, for treatment *not* required under the Nondiscrimination in Treatment Act, but that is directed by a patient with decision-making capacity, or by a person legally authorized to make health care decisions for the patient:

1) You must, as promptly as practicable, take all reasonable steps to arrange care of a qualified patient by another physician or health care provider willing to comply

AND

Required by Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the Oklahoma Statutes)

Part 1 (cont.) When there is disagreement, the law specifically states:

AND

2) Pending completion of the transfer, you must provide any directed treatment whose denial would in reasonable medical judgment be likely to result in the death of the patient

There are **3 possible exceptions** that follow

*Required by **Oklahoma Advance Directive Act** (Section 3101.9 of Title 63 of the Oklahoma Statutes)*

Part 1 (cont.) When there is disagreement, the law specifically states:

You must treat a patient pending transfer,

Except:

- treatment you are physically or legally unable to provide
- treatment you are physically or legally unable to provide without thereby denying the *same* treatment to another patient
- the requirement does not change any legal obligation or lack of legal obligation you may have to provide treatment, nutrition, or hydration to a patient who refuses or is unable to pay for them

Required by Oklahoma Advance Directive Act (Section 3101.9 of Title 63 of the Oklahoma Statutes)