

311.633 Notification to attending physician and health care facility of existing advance directive or medical order for scope of treatment -- Effect of refusal to comply -- Unlawful discriminatory practices.

- (1) It shall be the responsibility of the grantor or the responsible party of the grantor to provide for notification to the grantor's attending physician and health care facility where the grantor is a patient that an advance directive or a medical order for scope of treatment has been made. If the grantor is comatose, incompetent, or otherwise mentally or physically incapable, any other person may notify the attending physician of the existence of an advance directive or a medical order for scope of treatment. An attending physician who is notified shall promptly make the living will directive or a copy of the advance directive or a medical order for scope of treatment a part of the grantor's medical records.
- (2) An attending physician or health care facility which refuses to comply with the advance directive or a medical order for scope of treatment made pursuant to KRS 311.6225 of a patient or decision made by a surrogate or responsible party shall immediately inform the patient or the patient's responsible party and the family or guardian of the patient of the refusal. No physician or health care facility which refuses to comply with the advance directive or medical order for scope of treatment of a qualified patient or decision made by a responsible party shall impede the transfer of the patient to another physician or health care facility which will comply with the advance directive or medical order for scope of treatment. If the patient, the family, or the guardian of the patient has requested and authorized a transfer, the transferring attending physician and health care facility shall supply the patient's medical records and other information or assistance medically necessary for the continued care of the patient, to the receiving physician and health care facility.
- (3) No physician, nurse, staff member, or employee of a public or private hospital, or employee of a public or private health care facility, who shall state in writing to the hospital or health care facility his objection to complying with the advance directive of a patient, a health care decision of a responsible party under KRS 311.621 to 311.643, or a medical order for scope of treatment under KRS 311.6225, on moral, religious, or professional grounds, shall be required to, or held liable for refusal to, comply with the advance directive, health care decision, or medical order for scope of treatment as long as the physician, nurse, staff member, or employee complies with the requirements of subsection (2) of this section regarding patient notification and patient transfer.
- (4) It shall be unlawful discriminatory practice for any person to impose penalties or take disciplinary action against or deny or limit licenses, certifications, degrees, or other approvals or documents of qualification to any physician, nurse, staff member, or employee who refuses to comply with the advance directive of a patient, a health care decision by a responsible party under KRS 311.621 to 311.643, or a medical order for scope of treatment, as long as the physician, nurse, staff member, or employee complies with the provisions of subsection (2) of this section regarding notification and transfer.

Effective: June 24, 2015

History: Amended 2015 Ky. Acts ch. 3, sec. 4, effective June 24, 2015. -- Created 1994 Ky. Acts ch. 235, sec. 7, effective July 15, 1994.