

1 AN ACT relating to medical directives.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311.633 is amended to read as follows:

4 (1) It shall be the responsibility of the grantor or the responsible party of the grantor to  
5 provide for notification to the grantor's attending physician and health care facility  
6 where the grantor is a patient that an advance directive or a medical order for scope  
7 of treatment has been made. If the grantor is comatose, incompetent, or otherwise  
8 mentally or physically incapable, any other person may notify the attending  
9 physician ***and health care facility*** of the existence of an advance directive or a  
10 medical order for scope of treatment. An attending physician ***or health care facility***  
11 who is notified shall promptly:

12 ***(a)*** Make the living will directive or a copy of the advance directive or a medical  
13 order for scope of treatment a part of the grantor's medical records; ***and***

14 ***(b)*** ***Notify the grantor or the grantor's responsible party in writing of the right***  
15 ***to refuse compliance with the advance directive or medical order for scope***  
16 ***of treatment as provided in subsection (2) of this section, the receipt of***  
17 ***which shall be acknowledged by the signature of the grantor or the***  
18 ***grantor's responsible party.***

19 (2) ***(a)*** ***In addition to the notice required under subsection (1) of this section,*** an  
20 attending physician or health care facility which refuses to comply with the advance  
21 directive or a medical order for scope of treatment made pursuant to KRS 311.6225  
22 of a patient or decision made by a surrogate or responsible party shall immediately  
23 inform the patient or the patient's responsible party and the family or guardian of  
24 the patient of the:

25 ***1.*** Refusal; ***and***

26 ***2.*** ***Right to request transfer of the patient to another physician or health***  
27 ***care facility that will comply with the advance directive or medical***

1                                    *order for scope of treatment.*

2            (b) No physician or health care facility which refuses to comply with the advance  
3            directive or medical order for scope of treatment of a qualified patient or  
4            decision made by a responsible party shall impede the transfer of the patient  
5            to another physician or health care facility which will comply with the  
6            advance directive or medical order for scope of treatment.

7            (c) If the patient, the family, or the guardian of the patient has requested and  
8            authorized a transfer, the transferring attending physician and health care  
9            facility shall supply the patient's medical records and other information or  
10           assistance medically necessary for the continued care of the patient, to the  
11           receiving physician and health care facility.

12        (3) No physician, nurse, staff member, or employee of a public or private hospital, or  
13           employee of a public or private health care facility, who shall state in writing to the  
14           hospital or health care facility his *or her* objection to complying with the advance  
15           directive of a patient, a health care decision of a responsible party under KRS  
16           311.621 to 311.643, or a medical order for scope of treatment under KRS 311.6225,  
17           on moral, religious, or professional grounds, shall be required to, or held liable for  
18           refusal to, comply with the advance directive, health care decision, or medical order  
19           for scope of treatment as long as the physician, nurse, staff member, or employee  
20           complies with the requirements of subsection (2) of this section regarding patient  
21           notification and patient transfer.

22        (4) It shall be unlawful discriminatory practice for any person to impose penalties or  
23           take disciplinary action against or deny or limit licenses, certifications, degrees, or  
24           other approvals or documents of qualification to any physician, nurse, staff  
25           member, or employee who refuses to comply with the advance directive of a  
26           patient, a health care decision by a responsible party under KRS 311.621 to  
27           311.643, or a medical order for scope of treatment, as long as the physician, nurse,

1 staff member, or employee complies with the provisions of subsection (2) of this  
2 section regarding notification and transfer.