

Know the Facts on Unwanted Treatment

At Compassion & Choices, one of our main goals is to ensure that patients' healthcare wishes are honored. Far too many patients suffer unwanted medical treatment, even when they have clearly stated their wishes to the contrary, either verbally or in an advance directive. Ultimately, we want to require that healthcare providers and organizations deliver treatment consistent with an individual's advance directive and contemporaneous wishes.

- The U.S. Supreme Court has made it clear that Americans have a constitutional right to refuse medical treatment.
- The federal Patient Self-Determination Act, passed in 1990, among other things, requires that hospitals and nursing homes that participate in Medicare & Medicaid:
 - Educate consumers about their right to make their wishes known through advance directives;
 - Follow state law with regard to advance directives;
 - Document within the medical record whether or not a patient has an advance directive;
 - Educate their staff and the community about advance directives.
- A family member's feelings or wishes should not override those of a patient, whether their wishes are expressed contemporaneously or via an advance directive, even if the patient is not conscious.
- Taxpayers foot the bill when hospitals and other providers receive reimbursement (payment) for unwanted treatment forced on dying patients against their wishes. ["dying" because food or water denied?]
- Any treatment received that is in conflict with what the patient wants is NOT "medically necessary treatment" and therefore should not be reimbursed.