

The recent case of Terri Schiavo in Florida has put renewed emphasis on the need for advance directives (also called Living Wills) to ensure that, at the end of your life, due either to age, illness, or accident, your end-of-life wishes will be respected. However, having a valid advance directive does not guarantee that those wishes will be honored if you receive your health care from an institution that has institutional religious restrictions on certain practices.

What if you create an advance directive specifying your end-of-life wishes, only to have a health care institution or provider refuse to honor it? Unfortunately, more and more often, the religious and ethical beliefs of certain health care providers are limiting the public's desired end-of-life care. In some states, these refusals are even protected by law. But you are not without rights. Arming yourself with information will help ensure that you get the end-of-life care you want.

ASK!

- ☒ Can I refuse to have a feeding tube inserted?
- ☒ Will you comply with my do-not-resuscitate (DNR) order?
- ☒ How does your hospital define "extreme measures" for life support?
- ☒ When can doctors refuse to follow my advance directive?
- ☒ Will you transfer me to another hospital if you won't follow my advance directives?
- ☒ Will you follow the instructions of my health care agent if I am incapacitated?



About the National Women's Law Center

Since 1972, the Center has expanded the possibilities for women and girls in this country. The Center uses the law in all its forms: getting new laws on the books and enforced; litigating ground-breaking cases in state and federal courts all the way to the Supreme Court; and educating the public about ways to make the law and public policies work for women and their families. The Center takes on the issues that cut to the core of women's and girls' lives in education, employment, family economic security, and health—with special attention given to the needs of low-income women and their families.

With the law on your side, great things are possible.

National Women's Law Center
11 Dupont Circle NW
Suite 800
Washington, DC 20036
202.588.5180 (phone)
202.588.5185 (fax)
www.nwlc.org
info@nwlc.org

ASK!

Will your
health care
providers
follow your
end-of-life
wishes?

A consumer education project of the
National Women's Law Center
2005

Laws in Maryland, Virginia, and the District of Columbia

Living Wills				Instructions of a Health Care Agent					
	Refuse	When	Notify	Transfer	Refuse	When	Notify	Transfer	
MD	Doctor	Yes	If ethically inappropriate or medically ineffective	Do not have to notify	Do not have to transfer	Yes	If ethically inappropriate or medically ineffective—unless refusal would result in death	Must notify and explain right to transfer	Must assist with transfer and treat until transferred
	Institution	No	N/A	N/A	Yes	Not specified	Must notify and explain right to transfer	Must assist with transfer and treat until transferred	
VA	Doctor	Yes	If ethically inappropriate or medically ineffective	Must make reasonable effort to notify, with explanation	Must make reasonable effort to transfer; must provide life-sustaining treatment for 14 days	Yes	If ethically inappropriate or medically ineffective	Must make reasonable effort to notify, with explanation	Must make reasonable effort to transfer; must provide life-sustaining treatment for 14 days
	Institution	No	N/A	N/A	N/A	No	N/A	N/A	N/A
DC	Doctor	Yes	Not specified	None required	Must transfer or be charged with unprofessional conduct	Not specified	Not specified	Not specified	Not specified
	Institution	No	N/A	N/A	N/A	No	N/A	N/A	N/A

☒ ASK your Hospital, Nursing Home or Hospice

Many hospitals and other health care institutions have a religious affiliation, the most common being Catholic. The *Ethical and Religious Directives for Catholic Health Care Services* place limits on end-of-life care. The Catholic Healthcare Association of the United States has advised its members that removing medically-administered nutrition and hydration “with the intent to cause the patient’s death, is always morally unacceptable.”

This means that if your advance directive states that you do not wish to receive artificial nutrition and hydration, these Catholic-sponsored facilities are not obligated to comply with your wishes. ASK if your health care institution will follow your advance directive.

☒ ASK your Doctor

Some doctors and other health care providers may refuse to follow your advance directive or the instructions of your health care agent. Some doctors may also refuse to transfer you to another provider who will meet your needs, or even tell you or your agent why they won’t follow your advance directives.

ASK your doctors if their religious or moral beliefs, or any other reason would keep them from following your wishes or the directions of your health care agent, or providing you with a transfer. Before choosing a doctor, ASK if he or she has “privileges” (the right to practice) at a hospital that will comply with your wishes for end-of-life care.

Laws in Maryland,¹ Virginia,² and the District of Columbia³ give certain health care providers the right to refuse to comply with end-of-life wishes, including living wills or the instructions of your named health care agent. It is important to know the details of the providers’ right to refuse in your state, as well as the rights you have as a patient, including notice of refusal and transfer to another provider willing to honor your wishes.

The chart on the right shows the legal status of refusals in Maryland, Virginia and D.C.; for information about the law in other states, please contact the National Women’s Law Center.

☒ Tell your family and friends to ASK about their own health care needs

In addition to restrictions that affect end-of-life wishes and care, religious restrictions affect health care at all stages of life. Hospitals, doctors, health plans, employers, universities and colleges, and drugstores are all places where such restrictions might show up. Services affected can include reproductive health services, such as contraception, sterilization and infertility services; and research, clinic trials and treatments using stem-cells.

¹ Md. Code Ann., Health-Gen I § 5-601, available at http://mslis.state.md.us/cga9win/web_statutes.exe?ghg&5-601

² Va. Code Ann. § 54.1-2981, available at <http://legl.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-2981>

³ D.C. Code Ann. § 7-627, available at <http://dcccw.group.com/> [go to Division I, Title VII, Subtitle A. Chapter 6, subchapter II]