

UCLA MEDICAL CENTER: POLICY ON WITHDRAWING OR WITHHOLDING MEDICALLY INAPPROPRIATE LIFE SUSTAINING TREATMENT (EXCERPTS)

PURPOSE

The goal of UCLA Healthcare is to provide medically appropriate treatment for its patients in accordance with applicable ethical and legal principles. The purpose of this Policy is to provide guidance for evaluating whether life-sustaining treatment is medically appropriate, and to delineate a fair process for withdrawing or withholding medically inappropriate (also called ineffective or futile) treatment.

I. Principles

- A. Physicians should provide accurate and adequate information to their patients (or, if appropriate to their legal decision maker) about their disease, prognosis, and appropriate treatment options, including the efficacy of each treatment alternative and its risks and benefits, so that patients can make informed decisions.
- B. Physicians should try to ascertain the patient's treatment goals and provide patients with a considered recommendation of which medically appropriate treatment option(s) will best serve the patient's goals.
- C. Physicians have a professional and ethical responsibility to offer patients or their Legal decision makers only such treatment choices as are medically appropriate for that patient. This means that some patients will not be offered treatment that they might want. In the case of such conflicts, the procedures set forth in section V (Conflict Resolution) shall be followed.
- D. Treatment in this policy refers to all medical interventions that have the potential to sustain life in situations where death otherwise is expected to occur. Life-sustaining treatments include cardiopulmonary resuscitation, mechanical ventilation, dialysis, antibiotics, artificial nutrition and hydration, anti-arrhythmics, blood pressure support medications, blood and blood products, and other medications and procedures that are capable of sustaining life.
- E. A medically appropriate treatment is a treatment: 1) that is reasonably expected to secure a proper goal of medicine, and 2) where the potential benefits of the treatment exceed the burdens or risks to the patient, and 3) the patient has, or will have, the ability to experience the result of treatment as a benefit.
- F. In the context of treating a life-threatening illness or disease, the following are among the proper goals of medicine: preventing unexpected, premature death; curing disease; maintaining or improving quality of life through either the improvement or maintenance of functional status; improving quality of life through relief of symptoms, pain and suffering; and, where the dying process is irreversible and death is anticipated and imminent, providing for a peaceful death.
- G. Physicians and other health care providers are not required to provide medically inappropriate treatment (California Probate Code Section 4735). Indeed they have a

professional and ethical responsibility not to offer or provide treatments that are medically inappropriate. A medically inappropriate treatment is a treatment that: lacks a reasonable expectation of securing a proper goal of medicine; or where the burdens or risks of the treatment grossly exceed the potential benefits to the patient; or where the patient is unable by reason of permanent unconsciousness of experiencing the result of treatment as a benefit.

- H. A determination that life-sustaining treatment is not medically appropriate should be made in a timely fashion, and this determination should be communicated to the patient/legal decision maker as soon as reasonably practical thereafter.
- I. Where a conflict exists between the patient/Legal Decision maker and the physician about the appropriateness of providing life-sustaining treatment, every reasonable effort should be made to resolve the conflict in a timely fashion. To this end, the physician shall, in a timely fashion, initiate and, if necessary, exhaust the appropriate conflict resolution process detailed in Section V below.
- J. In some instances, medically inappropriate treatment is provided for brief periods, such as to allow a family time to travel to reach the patient before the treatment is withdrawn, or to make other arrangements before withdrawing the treatment.
- K. Life-sustaining treatment need not be continued solely because it was begun. Continued use of any treatment must always be justified in terms of the patient's goals and be medically appropriate. .
- L. Palliative care or comfort-oriented care is always appropriate, if needed, and should be provided.
- M. Analgesia sufficient to eliminate pain and discomfort may be used even knowing that it may tend to hasten death, as long as the health care professional's intention is to treat pain. Medication shall not be used with the intent to cause or hasten the patient's death. (See UCLAMC Policy "Administration of Continuous Pentobarbital Infusions to the Terminally Ill Patient").
- N. Physicians have the right to refuse to participate in continuing or forgoing life-sustaining treatment if they have objections of conscience in a specific case. In such instances, physicians are obliged to transfer the care of the patient to another qualified physician. When other health care professionals have objections of conscience, their preferences not to participate in a patient's care should be respected to the extent that care is not disrupted and the actions are consistent with their terms and conditions of employment. (Policy HS 7305 Staff Request for Reassignment).
- O. Providing medical care requires the joint effort of an entire health care team, including physicians, nurses, social workers, spiritual care personnel and others. Physicians should consult with and enlist the support of other appropriate members of the team throughout the treatment process, and especially when decisions to withhold or withdraw medically inappropriate treatment are considered.

II. Conflict Resolution

- A. If members of the medical team believe that the treatment requested by the patient or Health Care Decision Maker is medically inappropriate, then the following procedures shall apply.
- B. A patient care conference shall be held with members of the healthcare team and the

patient/Health Care Decision Maker and appropriate family members or other patient representatives. At this meeting, the nature of the disagreement over the treatment should be explored and discussed, in the context of the appropriate goals for the patient. The reason that the medical treatment is inappropriate should be explained. Health care providers are encouraged to involve Social Work and/or Spiritual Care.

- C. If the patient/Health Care Decision Maker and the healthcare team do not reach consensus, the physician should offer the patient a consultation with a member of the medical staff who is not otherwise involved in the patient's care.
- D. The physician, or other healthcare providers involved in the care of the patient, should request a consultation from the Medical Center ethics committee.
- E. If the ethics committee and the physician consultant determine that the treatment is medically appropriate, then the treatment should be initiated or continued, and the physician should transfer the patient to another physician or facility if the physician will not provide the care.
- F. If the ethics committee and the physician consultant agree with the physician that the treatment is medically inappropriate, and the patient/Health Care Decision Maker continues to want the treatment to be provided, then the following shall occur (Cal. Probate Code Section 4736):
 - 1. Notify the patient/Health Care Decision Maker of the plan to withhold or withdraw the inappropriate treatment;
 - 2. Unless the patient/surrogate refuses, the physician or other health care providers in conjunction with appropriate UCLA Healthcare staff, should make reasonable efforts to arrange for a transfer to another provider or facility that is willing to provide the treatment;
 - 3. Continue to provide the "medically inappropriate treatment" to the patient until the transfer can be accomplished or until it appears that transfer cannot be accomplished. In all cases, appropriate pain relief and palliative care should be continued.
 - 4. If another provider/facility cannot be found to provide the medically inappropriate treatment, then the patient/Health Care Decision Maker shall be permitted reasonable time to seek court intervention before withholding or withdrawing the treatment. The healthcare team should consult with Risk Management or Legal Affairs and the Chief Medical Officer.

APPENDIX: CALIFORNIA PROBATE CODE

4733. Except as provided in Sections 4734 and 4735, a health care provider or health care institution providing care to a patient shall do the following:

- (a) Comply with an individual health care instruction of the patient and with a reasonable interpretation of that instruction made by a person then authorized to make health care decisions for the patient.
- (b) Comply with a health care decision for the patient made by a person then authorized to make health care decisions for the patient to the same extent as if the decision had been made by the patient while having capacity.