

202A.426 Refusal to comply with advance directive or surrogate's decision -- Effect of refusal.

- (1) A health care provider or health care facility shall provide mental health treatment that complies with the instructions in an advance directive to the fullest extent possible when the instructions are within standards for mental and physical health care and permitted by state and federal law.
- (2) A health care provider or health care facility may override expressed refusals of treatment only if:
 - (a) A court order contradicts the advance directive; or
 - (b) There is an emergency endangering a person's life or posing a serious risk to physical health.
- (3) Deviations from expressed preferences in an advance directive shall be documented by the health care provider or health care facility in the grantor's medical record.
- (4) A health care provider or health care facility that refuses to comply with an advance directive of a grantor or a decision made by a surrogate shall:
 - (a) Immediately inform the grantor or surrogate, if one is designated, of the refusal; and
 - (b) Not impede the transfer of the grantor to another health care provider or health care facility.

Effective: June 24, 2003

History: Created 2003 Ky. Acts ch. 190, sec. 4, effective June 24, 2003.