

# COVID-19 PATIENTS RIGHTS TO LIFE RESOLUTION

Whereas Michigan law, MCL 333.20201, known as the Patient Bill of Rights, provides that a patient or resident of a health care facility have, at a minimum, the following rights:

*To not be denied appropriate care based on race, religion, color, national origin, sex, age, disability, marital status, sexual preference, or source of payment.*

*To inspect, or receive for a reasonable fee, a copy of his or her medical record upon request. A third party shall not be given a copy of the person's medical record without prior authorization of that individual.*

*To confidential treatment of personal and medical records.*

*To refuse release of personal and medical records to a person outside the health facility or agency, except as required because of a transfer to another health care facility or as required by law or third party payment contract.*

*To privacy, to the extent feasible, in treatment and in caring for personal needs with consideration, respect, and full recognition of his or her dignity and individuality.*

*To receive adequate and appropriate care.*

*To receive, from the appropriate individual within the health facility or agency, information about his or her medical condition, proposed course of treatment, and prospects for recovery, in terms that the patient or resident can understand, unless medically contradicted as documented by the attending physician in the medical record.*

*To refuse treatment to the extent provided by law and to be informed of the consequences of that refusal. If a refusal of treatment prevents a health facility or agency or its staff from providing appropriate care according to ethical and professional standards, the relationship with the patient or resident may be terminated upon reasonable notice.*

*To exercise his or her rights as a patient or resident and as a citizen, and present grievances or recommend changes in policies and services on behalf of himself or herself or others to the health facility or agency staff, to*

governmental officials, or to another person of his or her choice within or outside the health facility or agency, free from restraint, interference, coercion, discrimination, or reprisal.

To receive information about the health facility's or agency's policies and procedures for initiation, review, and resolution of patient or resident complaints.

To receive information concerning an experimental procedure proposed as a part of his or her care and to refuse to participate in the experimental procedure without jeopardizing his or her continuing care.

To receive and examine an explanation of his or her bill regardless of the source of payment and to receive, upon request, information relating to financial assistance available through the health facility or agency.

To know who is responsible for and who is providing his or her direct care, to receive information concerning his or her continuing health needs and alternatives for meeting those needs, and to be involved in his or her discharge planning, if appropriate.

To associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice.

To send and receive personal mail unopened on the same day it is received at the health facility or agency, unless medically contraindicated as documented by the attending physician in the medical record.

To exercise fully his or her civil and religious liberties, including the right to independent personal decisions and the right to knowledge of available choices. The health facility or agency shall encourage and assist in the fullest possible exercise of these rights.

To meet with, and participate in, the activities of social, religious, and community groups at his or her discretion, unless medically contradicted as documented by the attending physician in the medical record.

To be free from mental and physical abuse and from physical and chemical restraints, except those restraints authorized in writing by the attending physician for a specified and limited time or as are necessitated by an emergency to protect the patient or resident from injury to self or others, in which case the restraint may only be applied by a qualified professional who shall set forth in writing the circumstances requiring the use of restraints and who shall promptly report the action to the attending physician. In case of a chemical restraint, a physician shall be consulted within 24 hours after the commencement of the chemical restraint.

To be free from performing services for the health facility or agency that are not included for therapeutic purposes in the plan of care.

To receive the health facility or agency rules and regulations affecting patient or resident care and conduct.

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*To receive adequate and appropriate pain and symptom management as a basic and essential element of his or her medical treatment.*

Whereas the American Medical Association's Principles of Medical Ethics Requires:

*I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.*

*II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.*

*III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.*

*IV. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.*

*V. A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.*

*VI. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.*

*VII. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.*

*VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.*

*IX. A physician shall support access to medical care for all people.*

Resolved, by the [House of Representatives], that medical personnel certified, licensed, or otherwise empowered to care for patients in the State of Michigan, as well as medical providers subject to the American Medical Association Principles of Medical Ethics, must respect the expressed wishes of Michigan patients and/or their legal guardians or designated patient advocate for treatment under all circumstances, including for treatment pertaining to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) — or “novel coronavirus”, “COVID-19”.

Resolved, by the [House of Representatives], that those patients, legal guardians, and designated patient advocates requesting resuscitation or other forms of potentially life-saving treatment available for discharge to medical personnel under the law and in accordance with their medical training, have their wishes respected, followed, and upheld with the highest standard of care.

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Resolved, by the [House of Representatives], that medical personnel cannot pursue discriminatory care policies against those diagnosed with or showing symptoms of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) — or “novel coronavirus”, COVID-19, including arbitrary refusals for resuscitation, that would result in ignoring the patient’s wishes, as expressed by the patient, a legal guardian, designated patient advocate, or written advanced directive, for the simple reason of their diagnosis of COVID-19.

Resolved, by the [House of Representatives], that the protections guaranteed to Michigan patients may only be undermined if attending, supervising, and performing medical personnel are unable to access equipment, services, or other necessary technology or tools needed for pursuing the treatment sought by the patient, legal guardian, designated patient advocate, or advanced directive, and only permitted to be altered under these circumstances if the earliest available advanced notice is given to the patient, legal guardian, or powers of attorney.

Resolved, by the [House of Representatives] that all licensed, certified, or practicing medical personnel or those empowered to care for patients in the State of Michigan, as well as all licensed medical facilities, may pursue, by any means possible, including non-FDA approved treatments with the approval of the patient, legal guardian, or designated patient advocate, innovative methods by which to address and secure the safety of themselves and attending medical personnel during treatment of patients with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) — or “novel coronavirus”, “COVID-19” which do not compromise the patient, legal guardian, or designated patient advocate’s expressed wishes and rights.



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