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NON-DISCRIMINATION IN INVOLUNTARY DENIAL OF TREATMENT ACT SB 307/HB 2493

The purpose of this legislation is to put into the West Virginia code provisions for patients and their families to request life-saving treatment, including medical treatment, food and fluids. If patients believe medical professionals are withholding life-saving treatment because of discriminatory criteria, such as age, disability or terminal illness, they may seek injunctive relief and are provided with lists of services for agencies and organizations that can provide for the desired care.

This legislation simply ensures that treatment, nutrition and hydration that could preserve the patient's life cannot be denied just because of a belief that the lives of those who are older or have a disability or terminal illness are less valuable than the lives of those who are younger or do not have a disability or terminal illness.

- This legislation prevents the denial of treatment due to discriminatory criteria, such as disability, age or terminal condition.
- This legislation ensures that food and fluids will be provided as basic necessities of life, and not considered a medical intervention.
- This legislation requires that the wishes of the patient be used in determining care, as provided by advanced directives and medical powers of attorney.

Under this legislation, there are no changes to existing duties of medical providers when:

- The treatment is genuinely futile because withholding or withdrawing the health care would not cause or hasten the death of the patient,
- In reasonable medical judgment, providing the health care service would create a higher risk of causing or hastening death,
- The physician or health care facility is physically or legally unable to provide the treatment.

This legislation provides for injunctive relief for the families and does *not* provide for any new civil or criminal penalties.

**For more information, contact Legislative Coordinator Mary Tillman at 304-669-5206
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