

ETHICAL AND LEGAL RESPONSIBILITIES

I. Role of the Attending Physician

All AIDS patients must have an identifiable, responsible attending physician. The attending physician is charged with supervising care and must participate in significant clinical decisions regarding diagnosis and therapy.

It must be established in the patient's record that the attending physician is supervising care and directing significant decisions regarding diagnosis and therapy. This may be apparent in the events, decisions, and plans documented in the chart. However, clearly identified, signed attending notes, at frequent and regular intervals and at critical decisions, are incontrovertible evidence of direct supervision.

II. Delivering Appropriate Care

Under state law, health care workers cannot refuse to treat patients solely on the basis of known or suspected HIV infection. It is a health care worker's obligation to assure that any patient receives care.

Designated AIDS Centers are responsible for assuring that indicated medical, surgical, nursing, and other procedures, as well as tests and treatments, are appropriately performed in all patients.

III. The Patient's Right to Refuse Treatment

In accordance with the New York State Hospital Code (405.25), any patient has the right to refuse treatment to the extent permitted by the law. It is the responsibility of the physician providing care to inform the patient of the medical consequences of his or her actions, and to state in the medical record that this has been done.

If a question of the patient's ability to give consent is raised, this issue should be discussed in the medical record, with a statement from the responsible physician addressing the patient's status. If the patient is deemed incapable of making decisions regarding treatment, the physician must communicate with the individual responsible for the patient, or act according to wishes documented by the patient at a time when he or she was fully capable of making such decisions. In the absence of a responsible party, and in the absence of knowledge of the patient's wishes, the physician must act in accordance with hospital policy for obtaining administrative consent for procedures.