
HUMAN RESOURCES POLICIES AND PROCEDURES

Policy Name: STAFF RIGHTS

Policy Purpose: To allow employees to exercise their right not to participate in certain aspects of patient care or treatment under limited circumstances while providing for the ongoing care and treatment of patients.

Policy Statement: Main Line Health recognizes the right of employees not to participate in certain aspects of patient care or treatment under certain circumstances.

Procedure:

- A. In limited circumstances, an employee may choose not to participate in certain aspects of patient care or treatment.
- B. The aspects of patient care or treatment that an employee may elect not to participate in include, but are not limited to:
 - 1. Abortion, including after-rape treatment.
 - 2. Sterilization process.
 - 3. Withholding or withdrawing of life-sustaining treatment, including nutrition and hydration.
 - 4. Following a physician's or physician's designee's orders or plan of care when the employee reasonably believes that following such orders or plan of care will result in harm to the patient.
- C. The employee must notify his/her manager or senior management verbally and in writing of the decision not to participate in the care or treatment of a patient.
 - 1. The written notification must be dated and must include what aspect of the care or treatment the employee is refusing to participate in and the reason for the decision.
 - 2. The notice must be signed by the employee.
 - 3. The manager will review the notice and discuss any potential problems with senior management and Human Resources, and a notice will be placed in the employee's personnel file where it will be maintained.
 - 4. Employees will not be subject to any adverse action or judgment for the reasonable exercise of his/her rights under this policy, except where the exercise of those rights is an overt act which disrupts Main Line Health's procedures, operations or services or endangers the health or safety of any patient.
 - 5. The employee's ongoing performance assessment and evaluation process may consider whether the requests not to participate can be appropriately justified.
- D. An employee may not refuse to participate in the care or treatment of a patient based solely on the patient's diagnosis (e.g. infectious diseases, sexually transmitted diseases, tuberculosis, or other contagious diseases) or behavior. Such a refusal is considered to be insubordination, and the employee will be subject to the appropriate Performance Management process.
 - 1. Exception may be made when the employee has been directed in writing by a licensed healthcare provider to avoid patients with certain diagnoses because of danger to an existing health condition of the employee.
 - 2. The employee will provide the written directive to his/her manager.

3. The manager will review the healthcare provider directive, discuss any potential problems with senior management and Human Resources, and will forward the notice to Occupational Health, where it will be maintained.
- E. When an employee has exercised his/her rights under this policy, the care or treatment of the patient shall not be compromised.
1. The manager who receives the notice from the employee will make coverage arrangements with another member of the staff who is qualified to care for the patient.
 2. A physician who is attending or ordering the care or treatment may personally deliver the care or treatment, if qualified.
 3. In the event that all qualified staff members refuse to participate in the care or treatment requested by a patient, and a physician is neither able nor willing to provide it, reasonable efforts will be made to transfer the patient to another facility. Though the patient's wishes may not be effectuated, good patient care will not be compromised while these efforts are being made.

Origination Date: June 1, 1995

Revision Date: October 2015; November, 2013; June, 2006; July 1, 2000;

Review Date: October 2015; November, 2013; October, 2010; October, 2009; June, 2006; April 20, 2004; January 2001