

Ethical, legal aspects of docs' discrimination discussed

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(HealthDay)—Recent examples of doctors refusing to treat certain patients on questionable grounds, including their weight, have triggered discussion of discrimination among doctors, according to a perspective piece published in the May 2 issue of the *New England Journal of Medicine*.

Holly Fernandez Lynch, J.D., from Harvard Law School in Cambridge, Mass., discusses the ethical and legal issues surrounding doctors' refusal to treat [patients](#) based on factors including a patient's [sexual orientation](#), refusal to vaccinate, or weight.

The author notes that the American Medical Association's Ethical Rule emphasizes that physicians "cannot refuse to care for patients based on race, gender, sexual orientation, [gender identity](#), or any other criteria that would constitute invidious discrimination." Legal standards are in accordance with this rule and generally prohibit discrimination based on grounds such as race, religion, sex, and disability. However, the rejection of patients based on engaging in risky behavior such as smoking or because they are obese is legally within the realm of physician discretion. There have been recent calls for weight to be treated as a protected category under civil rights laws. Alternatively, obesity could qualify as a disability under the Americans with Disabilities Act, which would prevent doctors from rejecting prospective patients for being obese.

"Fortunately, most physicians take this tradition [of helping people in need] and their professional obligations seriously, and overt discrimination is rare," Fernandez Lynch writes. "Evidence suggests, however, that even medical professionals are susceptible to implicit biases based on race, social class, sex, weight, and myriad other factors that may affect the care they provide."

More information: [Full Text](#)

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