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# 42 U.S. Code § 299b-36

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## Program to facilitate shared decisionmaking

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### **(a) Purpose**

The purpose of this section is to facilitate collaborative processes between patients, caregivers or authorized representatives, and clinicians that engages<sup>[1]</sup> the patient, caregiver or authorized representative in decisionmaking, provides<sup>[2]</sup> patients, caregivers or authorized representatives with information about trade-offs among treatment options, and facilitates<sup>[3]</sup> the incorporation of patient preferences and values into the medical plan.

### **(b) Definitions**

In this section:

#### **(1) Patient decision aid**

The term “patient decision aid” means an educational tool that helps patients, caregivers or authorized representatives understand and communicate their beliefs and preferences related to their treatment options, and to decide with their health care provider what treatments are best for them based on their treatment options, scientific evidence, circumstances, beliefs, and preferences.

#### **(2) Preference sensitive care**

The term “preference sensitive care” means medical care for which the clinical evidence does not clearly support one treatment option such that the appropriate course of treatment depends on the values of the patient or the preferences of the patient, caregivers or authorized representatives regarding the benefits, harms and scientific evidence for each treatment option, the<sup>[4]</sup> use of such care should depend on the informed patient choice among clinically appropriate treatment options.

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