
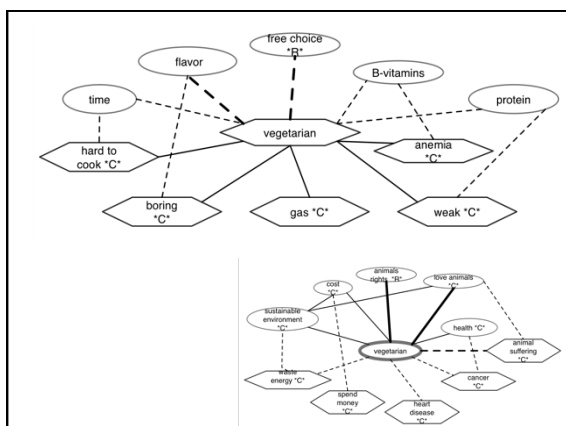
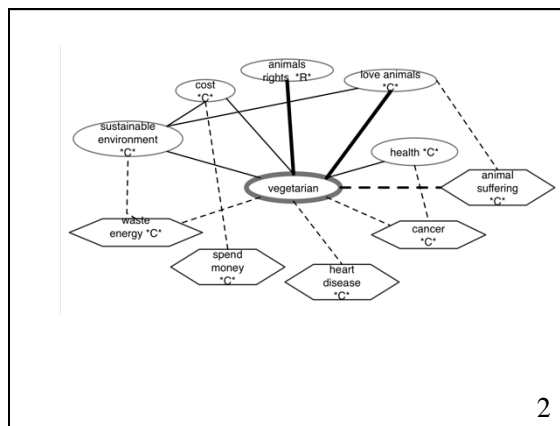


PHIL 226  
**Biomedical Ethics**  
 Week 5

- Guest lectures Oct. 18, Nov. 6.
- Today: informed consent.
- No electronics.



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## Informed Consent

- Treatment vs. experimentation
- Competent vs. incompetent
- Question: What cases do you know with difficulties in establishing consent from competent patients?

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## Standards of Disclosure

- Standard 1 (UK): A physician needs to disclose what another physician in a similar situation would disclose.
- Standard 2 (US): A physician needs to disclose what an ordinary reasonable person would want to know.
- Standard 3 (CDN): A physician needs to disclose what an objective reasonable person in the patient's particular position would want to know.

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## Rights and Duties

- Doctors have a duty to protect health.
- People have a right to have health protected by physicians.
- Doctors have a duty to disclose risks.
- People have a right to determine what is done with their bodies.

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## Comprehension

- Standard of comprehension: information must be pitched at a level that the patient can understand.
- Comprehension problems:
  - Medical information may be technical and statistical.
  - Patient may be uneducated or stressed.
  - Patient may have language or cultural difficulties.

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## Discussion question

- How much should doctors be expected to disclose about the risks of medical treatments?

## Cultural Questions

Should a patient or the patient's family be responsible for medical decisions?

Should the concept of autonomy be broadened to include family units?

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## Incompetent Persons

1. Stephen (S.D.). 7 year old boy, severely retarded, blind, no communication, no abilities, in pain. Needs a shunt to survive.
2. Eve. 24 year old moderately retarded woman with aphasia. Her mother wanted to have her sterilized.
3. Samantha. 11-year old girl with advancing bone cancer. She does not want more treatment.
4. Tattoos and piercings. Blood transfusions.

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## Principles

1. The patient should always decide.
2. The parent or legal guardian should always decide.
3. Courts may make decisions based on the best interests of the patient.
4. Physicians may decide based on what an ordinary reasonable person would decide under similar circumstances.
5. Proxy decision makers should try to put themselves into the situation of the patient and then decide from that perspective.

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## Rights of Incompetent Persons?

1. None?
2. Same rights as other persons?
3. Limited sets of rights?

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