Autonomy: Respect for Persons, Decision-making Capacity, & Informed Consent

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objectives

- Respect for persons
- Decision-making capacity
- Informed consent
- Surrogate decision-making (Williams)
- Advance directives (Williams)
Respect for persons

- Belmont Report, 1976
  - Respect for person – autonomy
  - Beneficence – do good
  - Justice – fair allocation

- Hippocrates, ancient Greece
  - Non-maleficience – do no harm
    - primum non nocere
Autonomy

- Hippocratic school
  - paternalistic
- Modern bioethics
  - Immanuel Kant
  - John Stuart Mill
Respect for person

Two ethical conditions

- Treat individuals as autonomous agents
- Protect persons with diminished autonomy
Respect for person

- Autonomous agent
  - deliberates about personal goals
  - acts as directed by such deliberation

belmont report
Respect of person

- acknowledges right of that person
  - to hold views, make choices, & take action based upon personal beliefs and values
- requires active efforts
  - supporting others’ capacity for choice
  - reducing constraints upon choice
Autonomy

- **Negative obligation**
  - Autonomous action should not be constrained
    - unless harmful to others

- **Positive obligation**
  - requires disclosure of information
  - ensures understanding & voluntariness
  - enables decision-making
Autonomy

- Priority among other principles of bioethics
- Reduced / absent decision-making
  - Justifies interventions
  - Bekelman & Carrese
Bekelman & Treatment refusals

- assess
  - decision-making capacity, psychiatric dangerousness, & medical risk
- address potential reasons/causes
- choose
  - to respect treatment refusal, to obtain surrogate, or to mandate hospitalization & possibly treatment.
Bekelman & Treatment refusals

- Homeless schizophrenic person
  - hospitalized with ischemic gangrene
  - refuses L BK & R TransMet amputations
Decision-making capacity & competence

- **competence**
  - defines the ability to perform a task
    - vary over time, intermittent
  - requires assessing understanding
    - deliberative capacity & coherence over time
Medical decision-making capacity

- making a choice
- understanding relevant details
  - diagnosis, prognosis
  - risk / benefits of treatment alternatives
Medical decision-making capacity

- appreciating current & future implications of relevant details upon oneself
- describing how one made choice in context of personal values
Bekelman & Treatment refusals

- Homeless schizophrenic person
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Decision-making capacity or legal competence

- The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.

John Stuart Mill, *On Liberty*
Informed consent

- Threshold elements (preconditions)
  a. capacity (to understand & decide)
  b. voluntariness

- Information elements
  c. disclosure (material information)
  d. recommendation (of plan)
  e. understanding (info & plan)

- Consent elements
  f. decision (for / against plan)
  g. authorization (of plan)

(BC, pbe 80)
Informed consent

- Threshold elements (preconditions)
  - capacity (to understand & decide)
  - voluntariness

Beauchamp & Childress
Informed consent

Information elements
- disclosure (material information)
- recommendation (of plan)
- understanding (info & plan)

Beauchamp & Childress
Informed consent

- Consent elements
  - decision (for / against plan)
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Beauchamp & Childress
Disclosure standards

- Professional
- Reasonable person
- Subjective
- Transparency
Surrogate Decision-making

- Autonomy
  - Substituted judgment
- Best interests
Advance Directives

- express autonomous choices
  - previously capable patients in particular clinical circumstances
- trigger activating advance directive
  - current absence of patient’s decision-making capacity
- Surrogates apply directives
  - written, oral, or implied
    - prior known patient preferences, values, or relevant actions.
South Carolina Advance Directives

- Living will
- Healthcare power of Attorney
- Aging with Dignity *Five Wishes*
SC Advance Directives…

- Physician Orders
  - EMS-DNR
  - POLST paradigm
Summary

- Respect for persons
- Decision-making capacity
- Informed consent
- Surrogate decision-making
- Advance directives
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