

11.2_D

ReviewNotesBackground to current ethico-legal framework

- NOT linked to 4th C. Hippocratic Oath
- starting point for development medico-legal ethics today:

Nuremberg Code 1945

- experiments → WWII prisoners (ice water to test survival)
- Code clarifies what is acceptable in experiments with humans
- principle of voluntary subject consent
(no guidance on patient-doctor relationship)

Declaration of Helsinki 1964 (WMA)

- addresses doctor-patient relationship
- participation voluntary AND informed
→ need for informed consent from all patients
- basis for current medico-legal ethics

Consent in practice – differences

- some doctors view consent as perfunctory → avoid legal action for assault
- some think only doctors can make informed decision
- Not agree. Legal and ethical reasons (patient autonomy)

Consent form

- Sudore et al. (2006) – 28% patients fully understand form 1st time → need to check patient understanding
- ! CANNOT assume patient understanding → important issue for legislators

Practical issues

- check patient can legally give consent – adults OK if reason not impaired (unable to give consent, e.g., drink/drugs/mental illness) children – not poss. in US, OK in UK/Can/Oz if pass 'Gillick competence' (mature enough to give consent)

Summary

11.2_D Model answers

Review

What is the background of medical ethics?

What is the Nuremberg Code?

What is the Declaration of Helsinki?

How do doctors view consent in practice?

How does example of consent form illustrate issue of patient consent?

What practical issues need to be considered?

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Summary

Background to current ethico-legal framework from 1945 Nuremberg Code (experiments) & 1964 Helsinki Declaration (informed consent). Despite some doctors' views, informed consent is a legal and ethical requirement. Evidence shows that patient understanding of consent forms cannot be assumed. There is a need to check patients have understood. Other practical issue – need to make sure patient can give consent. Adults OK, except for drink/drugs/mental ill. Minors – 'Gillick competence' in UK etc. No consent for kids in US.