

# Healthcare ethics and end of life decisions



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Law Healthcare Ethics and End of Life Decisions Factors considered in court in defining death When it comes to law death is taken as an event that happens at a particular and precise moment in time and not a continuing event. In determining whether a person is dead or not in which proof is taken through checking of a person's vital signs is not part of legal conclusion but relatively a medical judgment (Leaman & Glennys, 2001). In a court of law there are various factors that ought to be considered in defining. These factors include when and how the death occurred. Another factor that has to be considered is whether another individual needs to be charged for causing it or if it was under natural circumstances. There are also several factors that the court needs to look at as there comes a time when the court has to decide what type of treatment can be administered, withdrawn or withheld from a patient. Most important factors include whether a patient is competent or incompetent (Cohen-Almagor, 2001). A competent patient is seen by the court as an individual who is able to give informed consent or otherwise refuse treatment while incompetent patient is unable or lacks the capacity to do the same. In regard to individual autonomy the court is obliged to honor the consent of a competent patient in regard to their medical attention. When it comes to incompetent patient for example one that is in a comma, he or she cannot make an informed decision therefore an "advance directive" may be required in order to make a decision such as termination of life sustaining care and treatment.

Case in which death is defined

In the case *Quinlan*, 70 N. J. 10, 355 A. 2d 647 is an example of a case where death is defined. Karen Ann Quinlan was in a vegetative state whereby she was brain dead and relied on mechanical respirator and artificial nutrition to <https://assignbuster.com/healthcare-ethics-and-end-of-life-decisions-essay-samples-2/>

sustain her. The courts were right to rule that a patient's guardian and parents have the legal right to have a right of privacy on behalf of the patient. In so doing patients who are in an incompetent state can be safeguarded from suffering by their legal guardians or parents.

### Conclusion

The above definition however cannot be used as the universal definition as there are several definitions for the death. Some of the most common definitions are as follows: The common traditional meaning has always been adopted from Black's Law Dictionary. The dictionary states that death is the "termination of respiration, heartbeat, and some of the central nervous system functionality, such as pulsation and respiration" (Pozgar, 2012). Most medical journals also define death as the end of life and dying as the process individuals undergoes leading to death which also includes all actions and choices in that process (Council on Ethical and Judicial Affairs, American Medical Association, 1994). When it comes to law there are different types of death, but not all of them mean end or termination of life. There is civil death which does not mean end of life but a state in which a convicted criminal is sentenced to life imprisonment (Leaman & Glennys, 2001). Such a person forfeits his or her civil rights. Other forms of death under the law include legal death, wrongful death, natural death, violent death, and brain death. To define death the courts have to consider certain factors before coming up with the conclusion that a patient is legally dead. To solve this matter the court necessarily needs the service of a physician who can be able to diagnose the patient under various conditions. The patient can either be dead, in a persistent vegetative state or terminally ill (p. 427). From the above definitions it is clear why not there ought to be only one universal <https://assignbuster.com/healthcare-ethics-and-end-of-life-decisions-essay-samples-2/>

definition for death but rather the definition should rely on the basis of the case being handled.

#### Works Cited

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