

Healthcare ethics and end of life decisions



Wrongful Birth Introduction A wrongful birth is a legal suit by the parents of a congenitally defective baby. This suit aims at holding the hospitals accountable for not informing the parents of their unborn baby's health condition. Further, it stems from the fact that the parents cannot be able to raise the unexpected defective child owing to financial constraints or other viable reasons. The suits filed so far give precedence for the crime of withholding information from the parents, by doctors or medical personnel, regarding the condition of their unborn child (Pozgar 2011). The wrongful birth is synonymous, in certain circles, to wrongful life and elaborates that the sheer birth of the defective child is entirely by choice of the medical personnel and not the parents. The parents sue for a claim to support the unexpectedly defective child. Parents are free to file this suit. However, they must give evidence beyond any reasonable doubt that they had no prior knowledge of their unborn child's condition.

Legal and Ethical Issues

The first case of wrongful birth became known in 1975 when the parents of a newborn with congenital defects sued the hospital for negligence. The child's congenital disease arose from the mother during the first month of pregnancy. The mother contracted a disease, rubella that caused the newborn's impairment. The courts allowed the suit and the parents got awarded damages. However, the damages allowed were only for the expenses pertinent to the care and treatment of the child's defectiveness. No damages are awarded for noneconomic aspects such as the emotional pain and suffering.

Since the mid-1970's, the wrongful birth suits are, evidently, on an upward trend. However, for the suit to hold certain elements have to come out <https://assignbuster.com/healthcare-ethics-and-end-of-life-decisions-essay-samples-3/>

clearly and the information must receive corroboration from all the parties involved. First, there must be proof of the existence of a doctor-patient relationship between the defendant and the plaintiff. The doctor's negligent failure to disclose to the prospective parents their child's condition must surface. The plaintiff must give evidence of harm suffered and finally; the harm must be a result of the doctor's negligence. The failure to follow standard care by the doctor amounts to negligence.

Pozgar (2011) elucidates that a key ethical issue put forward by those against the wrongful birth is the increase in the rate of abortion in the event that the doctors disclosed the relevant information. Many suits also fail on this ground since parents can hardly use the averted abortion to state the relevance of their case. This, therefore, is the first line of defense for the doctors caught up in such legal suits. Further, disability activists in the world today are against the wrongful births as they are indicative of the society's lack of social tolerance towards the disabled. It is evident that allowing wrongful birth for certain conditions such as down syndrome would suggest that some individuals are not worthy of living.

Those in support of wrongful births maintain that the parents of the unborn child should have the autonomic interest of settle on whether or not to have a child. Further, the parents might want to know whether their fetus is in danger of a congenital or a genetic disease. In this regard, the doctor who negligently fails to put the parents of the unborn child aware of their baby's condition deprives them of a right; a right to make informed choices or decisions regarding their procreative lives.

Conclusion

Humanity can solve the controversies surrounding wrongful births. The best <https://assignbuster.com/healthcare-ethics-and-end-of-life-decisions-essay-samples-3/>

way to approach these issues is to determine the value of life. However, none should get away with depriving the parents the joy of having children whom they are willing to take care of and raise properly.

References

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