

Surrogate decision making



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Medical Consent: The Surrogate One of the basic foundations of medical ethics is the tradition of informed consent. It requires that a patient be fully informed of the procedure, its advantages, and the risks that may be involved. This allows the patient to make an informed decision and give their consent to any medical operation. However, there are times when consent from the patient is not a practical alternative and a surrogate decision-maker is required. Medical ethics and law determines when a surrogate may be appropriate, who may act as a surrogate, and advises on the cases where a surrogate may not be available.

A patient that is unable to give their consent due to their physical or mental limitations will require a surrogate. If a person were in a state of unconsciousness they would be unable to grant consent. If the patient were deemed incompetent to make an informed decision, this case would also require a surrogate. Comatose patients on life support are in the position of having someone else make their medical decisions for them. If a patient is incapacitated or incompetent, the decision is left to a responsible surrogate in a process called vicarious consent.

If an incapacitated patient has a written document such as a living will or power of attorney, this can serve as a surrogate. In the absence of any document individual states have recommended protocols for the hierarchy of decision making. Generally the immediate family is the first to be considered. The spouse, parents, siblings, adult children, or a guardian may all be called upon to be a surrogate. If none of these are available, a close friend can act as a surrogate. The surrogate should be close enough to the patient that they not only act on their best behalf, but also are able to consider the incapacitated patient's wishes.

There may be cases where there are no surrogates available. People who have no family or friends can be referred to a medical ethics committee to act as a surrogate. In the event that a patient is brought to an emergency room and needs immediate attention, the attending physician can act in the best interest of the patient. Likewise, if a patient needs emergency treatment during an operation that has not been consented to, the operating surgeon can also act on behalf of the patient.

Informed consent has been a medical tradition for centuries. It is written into our laws and is a vital component of medical ethics. When a patient is unable to give their informed consent, the medical community turns to a surrogate to act on behalf of the patient. The surrogate, in most cases, will be a close family member or a friend who has the best interest of the patient at heart. Cases where a surrogate may not be available or in emergency situations, an attending physician can take the role of surrogate. This system helps insure that medical decisions are made ethically with the best interest and wishes of the patient as the guiding and deciding principle.

Works Consulted

" E-8. 081 Surrogate Decision Making." AMA. June 2001. American Medical Association. 11 June 2007 .

Mental Hygiene Law: Surrogate Decision-Making for Medical Care. State of New York. 11 June 2007 .