

Law and ethics



LAW AND ETHICS Your School of Engineering, Social Sciences, etc Number and of PaperLAW AND ETHICS As the paramedic of a patient who refuses to be brought to the hospital, it is important that the paramedic responds to the emergency situations like Jack's case and extend to him the duty of care which paramedics owe to their patients. According to Steer (2007, p. 3) " A paramedic's duty is to be discharged to an acceptable standard, the standard of care which is reasonably accepted in the context given the paramedic's level of training and experience. A paramedic, in their official capacity, has the legal obligation to help those patients who cannot help themselves, and is required to act in the patient's best interest". There are instances when the paramedics are faced with extreme pressure, especially when there are patients who refuse to be treated and withhold their consent. This is the exact situation in the case at bar, where the patient Jack refuses any medical treatment and does not want to be taken to the hospital. Hence, the paramedic attending to Jack should be able to practice the " doctrine of necessity". " The Medical Treatment Act of 1988 provides a provision for the competent adult to refuse medical treatment even if the refusal may place their life at risk" (Steer, 2007). In the case of *Malette V. Shulman*, [1991] 2 Med LR 162, Donnelly J., pointed out that " the right to refuse treatment was an inherent component of the supremacy of the patient's right over his own body not premised on the risks of refusal. He further where a competent adult rejects and medical treatment, " the courts cannot be dictated by its view of what would be in the best interests of the patient, but must look to the validity of the refusal in terms of the capacity of the patient to give such refusal and to determine whether it must be respected". All healthcare practitioners have a sworn duty to promote the health and safety of their

patients and to preserve and prolong their lives. The best interest of the patients must always be their primordial concern. Although Jack is considered as a competent adult who can decide what to do with his own body, based on the time-honored principle of autonomy, it is important that the paramedic must understand the level of competency of the patient he is faced with. In this given example, Jack is a 72-year old man, who is intoxicated, under the influence of a drug called warfarin, and who is profusely bleeding due to the laceration in his temple. The paramedic must be able to take into consideration the factors affecting the patient who refuses to give his consent to the medical treatment. Based on Jack's slurred speech and medical history, it can be concluded that his consent is vitiated. It is deemed ethical and proper if the paramedics insist to bring him to the hospital despite the patient's refusal. It is important that the first priority is the health of Jack and ensure his speedy recovery. The best interest and welfare of the patient should be the main consideration. According to Steer (2007, p.) " In some cases, it is reasonably clear that a prima facie refusal can be ignored. If for example a person is assessed as having a significant distortion of perception, mood, thought, or memory, and is a danger to self, others or property, then the Mental Act of 1986 allow paramedics with assistance to use reasonable restraint to treat and transport these patients to hospital for authoritative and expert diagnosis and protection". Therefore, in the case of Jack, the paramedic can insist bringing him to the hospital despite his wishes if this will serve the best interest of the patient. "

Emergency physicians have a difficulty recognizing if the problem is ethical or legal, rather than clinical, it is crucial that the primary problem of consent must first be resolved. One way to solve this issue is to refer the problem to <https://assignbuster.com/law-and-ethics/>

a person with greater expertise and authority, since referral is a common practice in medicine” (Steer, 2007, p. 5). Hence, the refusal of Jack to be brought to the hospital can be overruled in spite of his refusal if the medical treatment shall promote his best interest in order to prolong and preserve his life and keep him out of danger. References Hurwitz, B. & Sheikh, Aziz. (2009). *Healthcare Errors and Patient Safety*. UK: Blackwell Publishing Ltd. Lewins, F. (1996). *Bioethics for Health Professionals: An Introduction and Critical Approach*. Australia: Macmillan Education Australia Pty. Ltd. Malette V Shulman, [1991] 2 Med LR 162 Medical Treatment Act of 1998 Runciman, B. Merry, A. & Walton, M. (2007). *Safety and Ethics in Healthcare: A Guide to Getting it Right*. England: Ashgate Publishing Company. Steer, B. (2007). Paramedics, Consent and Refusal- are we competent? *Journal of Emergency Primary Health Care*, Vol. 5, Issue 1, 2007. Retrieved from http://www.jephc.com/uploads/990212BS_Web.pdf Vincent, C. (2010). *Patient’s Safety*. UK: BMJ Books.