

Healthcare law and ethics class - online discussion



Healthcare Law & Ethics Online Discussion By: _____

_____ Introduction In today's world we are equipped with highly modified and technically advanced medical tools, instruments and medications. They have not only made the procedure of saving lives easier, but have also enabled us to improve the quality of health in majority patients and delay death in cases where it is imminent.

In medical traditions, over past so many decades it has been a common practice for doctors to do everything possible under their capacity to keep the patients alive. But in the past few years, the choice of allowing or even in some cases helping patients to die has been become popular. The court in U. S alone has allowed 130 patients to exercise their right of refusing from help of medical equipments to keep them alive.

There are four categories in medical practice, which can lead to death in patients. Foremost, withholding or withdrawing from life saving treatments in patients, euthanasia, provision of palliative treatment and assisted suicide. Any life saving treatment can prolong death, without reversing the cause of diseases or medical conditions.

Every physician is the healer and reliever of diseases, injuries and sufferings in patients. It is their ethical and moral duty to try their best to save the lives of their patients. The question arises when this duty comes in clash with the right of the patient to make decision about his own life, known as patient autonomy.

2. Basis of Judgment

When a doctor is faced with such a crucial decision in his professional history, he should make the final judgment by paying a careful attention and weighing these three factors.

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a. Patient Autonomy

When the patient, possesses the capacity of making decision to receive any medical treatment he is offered or to refuse from taking any unwanted treatment, while there are no particular prevailing obligations, then his decision should be weighted more than the ethical duty of the physician.

b. Sound Medical Treatment

As per the medical principles of ' beneficence and non-maleficence', the physicians are required to use the treatment that is best to their knowledge for saving the lives of the patients and provide them with relieve from sufferings and pains. Simultaneously, under no conditions are the physicians allowed to use their knowledge or skills to harm the patients.

c. Practical Considerations

Prior to undertaking any such action like withdrawing/ withholding medical treatment of patient based on patient's autonomy, the physicians must carefully value the consequences of making such decision. There are strong societal consequences regarding such acts, where the inability of the patient to bear the medical cost, leading him to voluntarily opt for withdrawing of life saving treatment, can be considered as society/government inability to financially help those who were in dire need of it.

3. Our Case

The patient himself is not in the condition to communicate with the doctors, however his daughter who has been the most frequent visitor form the family is of the view that her father would not like to be on life saving treatment. On contrary, the son, is persuading the doctors to continue the treatment and is ready to bear all the expenses.

The physicians should very critically view the situations. In most cases the

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patients are reluctant to receive the treatment due to the cost and sufferings/pains associated with the treatment. While, the cost element is sorted out, the physicians should inform in detail both the family members about the pains that would be associated with the treatment, if any. In our case, the daughter is aware of them and is of the view that her father would not like that.

Lastly, but most importantly, the physician should be very much clear about the entire treatment, benefits and damages, so to avoid any misunderstanding that could lead to wrong decision making by the patient. Ultimately, to the best of the physician knowledge, the treatment would not reverse the medical conditions. Rather, the patient would become dependent on the machine which upon discontinuation later, due to any reason, can result in immediate death of the patient. So, a clear distinction between results of action/omission is laid here. Omission of life saving treatment will ultimately lead to death which is imminent in this case, and action of first making him dependant then ultimately, someday or other, stopping the respirator would lead to killing of the patient. That would be a murder. So, the physicians should opt to value patient's autonomy more in this case.

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