Doctor- patient relationship and consent

Ethical responsibilities of physicians

Content

- **Patients' Rights**

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- **Duties of physicians towards their patients**

- **Consent**

Patients' Rights

- *Information Disclosure (the right to know)*
  Patients have the right to receive <u>accurate</u> and <u>easily understood</u> information about their health plan.

- *Participation in Treatment Decisions*
  Patients have the right

- To know all their treatment options

- To participate in decisions about their care.

- Parents, guardians, family members, or other individuals that patients choose can represent them if they cannot make their own decisions.

Breaking bad news

- Sometimes there are bad news to the patient as disease recurrence, spread of disease or failure of treatment to affect disease progression, the presence of irreversible side effects, and revealing positive results of genetic tests.

What should you do?

The main reasons that doctors may not deliver unfavorable information to their patients include, but are not limited to, the following:

1. Fear (worry) about the patient's reaction to the information disclosed

2. A belief that it is "in the patient's best interest"

3. Lack of adequate time to properly explain to the patient

4. Language barrier: either by speaking a different language than that of the patient or failure to communicate with the patient in a language he/she can understand

Breaking bad news: why should I tell bad news?

1. By hiding, falsifying, or manipulating the information you may be giving to your patients, you might be acting in an unprofessional way. Even worse, you may face allegations of professional misconduct.

2. This includes the patient's satisfaction with the health care service, which is key to your reputation as a "good" doctor.

3. Physicians who fail to communicate bad news to their patients were found to subject their patients to unnecessary treatments that sometimes worsen, rather than help, the patient's condition.

How to break bad news to patients?

A summary of the 6-step protocol, referred to as the **SPIKES:**

1. **S**: **SETTING UP the interview includes** (Creating a favorable environment, Giving adequate time, Determining who else the patient would like present).

2. **P** - **Assessing the patient's PERCEPTION** (Start the discussion by establishing what the patient and family know about the patient's health, With this information, determine if the patient and family will be able to understand the bad news).

3. **I** - **Obtaining the patient's INVITATION:** Each patient has the right to
   1. Decline voluntarily to receive information
   2. Choose someone to communicate on his or her behalf.

How to break bad news to patients?

4. K - Giving KNOWLEDGE and information to the patient لا تقلل خطورة نتيجة المريض مهما كانت / قلها كما هي !
1. Deliver the information in a sensitive but straightforward manner. Say it as it is, then stop
2. Avoid delivering all the information in a single, steady monologue
3. Use simple language that is easy to understand
4. Pause frequently, check for understanding
5. Do not minimize the severity of the situation-Well-intentioned efforts to "soften the blow" may lead to vagueness and confusion

* ملخص الكلام ← لما تحكي للمريض عن نتيجته حاول تكون صريح و لكن بلطف وبهدوء ومراعاة حجم النتيجة ورد الفعل.

How to break bad news to patients?

5. E - Addressing the patient's EMOTIONS with empathetic responses تقدر المشاعر الذي يظهرها المريض و تحاول التَعاطف معه .

6. S - STRATEGY AND SUMMARY:

Establish a plan for the next steps, which may include:

- Performing further tests
- Treating current symptoms
- Helping parents to tell their child about their illness and what their treatment will be like for them
- Arranging for appropriate referrals
- Explaining plans for additional treatment

Patients' Rights

- *Respect*   *and*   *Nondiscrimination*

Patients have a right to considerate, respectful and non-discriminative care from their doctors, health plan representatives, and other health care providers.

Patients' Rights

سرية المريض

- *Confidentiality of Health Information*

- **Patients have the right to talk in confidence and to have their health care information protected.**

- **Patients also have the right to review and copy their own medical record and request that the physician correct their record if it is not accurate, relevant, or complete.**

Patients' Responsibilities

- **To provide information about their health, including past illnesses, hospital stays and use of medicine.**

  كلام المريض يكون صادق مع الدكتور

- **To ask questions when they do not understand information or instructions.**

  لازم يسأل المريض في حال ما فهم الحالة .

- **To tell their doctor if they believe that they cannot follow through with their treatment.**

Patients' Responsibilities

- To follow hospital rules and regulations affecting patient care and conduct.

- To be considerate of the needs of other patients, staff and the hospital. This includes controlling noise, smoking and the number of visitors.

- To provide information about their insurance and to work with the hospital to arrange payment, when needed.

* اذا كان عنده تصريح لازم يحكي عنه .

Duties of physicians towards their patients

1. **A physician should ask only for proper investigations according to the patient's condition.**

2. **A physician should honestly explain to the patient or anyone representing him the type, causes, and complications of the illness.**

* إيضاح المعلومات الكاملة حول حالة المريض للمريض بصدق وبساطة وبشكل مفهوم .

- *A physician should make sure to observe the following while examining a patient:*

مثل ← تطبيق حكيم .

a .He should make a record of the patient's condition and of personal and family medical history before beginning to diagnose and treat the case.

* The assential kay of dignoses → The history of the patient

b. He should be careful and efficient in, and give sufficient time to, the examination and diagnosis process.

* انه يكون الطبيب مركز في شغله فقط .

A physician should make sure to observe the following while examining a patient:

لازم تكون مركز وانت بتعمل بِ discription .

c. **Prescriptions should be made in writing and should be clear, with dosages and method of administration specified. The patient or his family members, as the case requires, should be made aware of the importance of following the method of treatment prescribed by the physician and of the serious potential side effects of the medical or surgical treatment.**

* لكل حيختصو في الجراحة .

- *A physician should make sure that <u>surgical operations are</u> performed under the following conditions:*

انك تشتغل حسب مجالك فقط اللي انت فاهم فيه فقط .

a. **The physician who performs an operation should have the specialization and medical experience that qualify him to do the required type of surgery.**

b. **The surgical operation should be performed at a therapeutic institution or health establishment which is sufficiently equipped for the performance of such a surgery.**

اختيار الحطلان المناسب لشغلك و تشخيصك .

A physician should make sure that surgical operations are performed under the following conditions:

c. **The patient should be _prepared_ thoroughly before the operation.**

إعداد المريض وتجهيزه سواء (للعملية , للفحص)

d. **The (surgeon) attending the patient has the obligation of performing the surgery himself. He may be helped by a resident at the hospital or some other surgeon, with no need for the patient's consent.**

* الجراح المختص فقط هو من يقوم بالعملية ولكن اذا كان في
حـ مساعده فما في مشكلة .

إنه الطبيب يخضع المريض
بتوضيحتيم الحالة بإقناعه
بإجراء عملية او التعامل معه ←

- **A physician should gently, honestly, and wisely and without undue exaggeration explain to the patient the consequences of declining to follow a treatment and the resulting complications and consequently the physician has the right to discontinue patient's treatment.**

❑ **A physician should give to his patient an advance notice of any travel or absence plans he has and a suitable physician should be available in the absence of the doctor in charge of the patient**

في حال قطعت علاقتي بالمريض و إشرافي عليه لازم اتأكد انه في
طبيب ثاني يقوم بمعالجته

A physician should not

- **A physician should not receive any financial benefits or gifts for referring patients or prescribing specific products.**

ما استغل المرضى لمصالحي.

- **A physician should not use his patients as experimental tools (except after their consent).**

ما اعمل للمريض اي عملية الا بعد موافقته

- **A physician should not hesitate in consulting another physician in difficult cases. A patient or a member of his family has the right to invite another efficient doctor for consultation, after informing the original physician.**

في حال كنت بحاجة لصاحب خبرة افضل لا اتردد لمصلحة المريض.

- **A physician should not refuse treatment of emergency cases.**

لا يمكن ان ترفض علاج مريض من حالات الطوارئ
الا بعد تلقيه للعلاج

- A physician should not try to end the life of his patient by any means e.g euthanasia or by switching off life support machine.

  القتل الرحيم

- A physician should not postpone treatment till he gets the fee from the patient.

  لا اؤجل علاج مريض لحد ما اتلقى الاجر منه.

- A physician should not leave his patient's treatment if this will endanger patient's life

  يجب اخبار المريض بان الطبيب لن يكمل معه العلاج حتى يجد آخر بديل عنه.

Consent:

معناه موافقه المريض

The Permission
The Accept.

Any physical examination needs permission or consent of the patient otherwise the doctor may be guilty of assault (battery) if he touches or even attempts to touch an unwilling person.

Definitions

• **Autonomy as the basis of informed consent.**

• <u>**Consent**</u> is <mark>a decision of a competent patient to accept the medical procedures proposed.</mark> The patient has the right to refuse the proposed treatment. Both consent and refusal must be informed, i.e., based on full disclosure of the details of the proposed treatment, including its benefits and risks.

• Children with some degree of competence can <mark><u>assent</u></mark> to treatment, which signifies their agreement with what their parents, their legal decision makers, have decided.

• **Competence:** is the intellectual capacity to understand, analyze, and judge information.

• **Paternalism** is a <mark>negative attitude</mark> that was common among physicians and has now almost disappeared. The paternalistic physician assumes that he knows what is best for the patient and should make treatment decisions without reference to the patient. Paternalism is a violation of the patient's autonomy rights.

* ان يتصرف الطبيب كأنه المسؤول عن المريض ويتخذ القرار نيابة عنه

Definitions

- **Medical decision making** is a joint process involving the physicians and the patient regarding treatment choice. It should be a rational process based on a consideration of the facts, but in the end, **the final word is with the patient.** The patient's decision will stand even if it is considered irrational by the physicians.

- **Advance treatment directives** are instructions on treatment, or its withdrawal made by a competent patient, to be applied when competence is lost. Such directives are best made in writing and with witnesses

- **Substitute or proxy decision makers** are the persons who are authorized to make decisions on behalf of a patient who does not have the intellectual competence to decide for him or herself.

من يتخذ القرار نيابة عن المريض !

Types of consent:

* **Implied consent**: ضمني where a person comes to visit a doctor or asks the physician to visit him, (does not extend to intimate or to invasive examinations)

* **Expressed consent**:

❖ *Expressed written consent.*(surgical interference or complex diagnostic procedures) ورقه يوقع عليها المريض للموافقته .

❖ *Expressed verbal consent.*(witnessed by another person)

الموافقته الشفهيه للمريض تكفي

Elements of informed consent

Most hospitals has a special format for informed consent, it entail:

1) **Nature** of surgical procedure in details or treatment and why it should be done. طبيعته

2) The method of **anesthesia**.

3) **Expectations** of the recommended treatment and success. التوقعات

- The period of stay in hospital تم تسييفى بالمشفى .

4) **Alternative method of treatment** which are available and the probable outcome in the absence of any treatment.

5) **Adverse effects and complications expected)** or risks involved

Informed consent

➢ **All details should be explained to the patient in understandable nontechnical terms. This followed by patient's signature.**

➢ **Consent only extends to what was explained to the patientv& nothing extra should be done.**

➢ **Informed consent should be taken before doing any research on patients.**

➢ **Informed consent protect physician from malpractice sue.**

Medical interference without consent:

- In an **emergency**, such as an accident where the victim is in extremis على حافة الموت, unconscious or shocked.......to save life or preserve health

- Routine medical examination of **new prisoner** to exclude infectious diseases. In addition, Pilot & airplane crew, Food dealers

Medical interference without consent:

3. Additional procedures:

There may be some circumstances when, during an operation, it becomes obvious that the patient would benefit from an additional procedure that was not included in their original consent. For example, they may be having abdominal surgery when the surgeon notices that their appendix is infected, dangerously close to bursting and needs to be removed. If is felt that it would be too dangerous to delay the additional procedure and wake the person up to get their consent, the additional procedure can go ahead if it is in the patient's best interest. However, extra procedures cannot be done just because it would be convenient for the healthcare professionals. There must be a clear medical reason why it would be unsafe to wait to obtain the patient's consent.

4. Mental health condition:

People with certain mental health conditions, such as schizophrenia, bipolar disorder or dementia, can be compulsorily detained at a hospital or psychiatric clinic without their consent.

Consent is invalid in the following:

(1) Unlawful act

   ex: Criminal abortion.

(2) Operations with no medical indication

   ex: Amputation of finger to be unfit to military service.

(3) Consent given by one has no right to give

   ex: minors (below age), mental patients. consent could be obtained from a substitute or guardian

(4) Consent obtained by fraud

   ex: convincing the patient that the operation is necessary to save his life while this is not true.