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# **NEGOTIATION WITH SENIORS: PATERNALISM OR PARTNERSHIP?**

# Four Principles in Medical Ethics

## The basic four

- The principle of beneficence
- The principle of non-maleficence
- **Respect for patients' autonomy**
- The principle of justice

- „Every human being of adult years and sound mind has the right to determine what shall be done with his own body and a surgeon who performs an operation without his patient's consent commits an assault, for which he is liable in damages, except in cases of emergency where the patient is unconscious and where it is necessary to operate before consent can be obtained.“
- Benjamin Cardozo, 1914, in the case *Schloendorff v. Society of New York Hospital*

- I have the right to do what I choose with my own body as long as I understand the consequences of my decisions
- There is no form of property more personal than one's own body; so each patient has the right to determine what is done to his body. Although beneficence – or doing what is good for people – is a high aim and ethical principle, autonomy is considered more important and takes precedence.
- Each patient has the right to refuse treatment even if that treatment has no adverse effects and will help her.

- A painter cannot repaint your house without your consent even if he does it for free, the existing house color is ugly, and the service will only benefit to you.
- A physician cannot treat your pneumonia or remove a cancer even though the procedure or treatment is benign and it will only benefit you.

# Paternalism

Physician

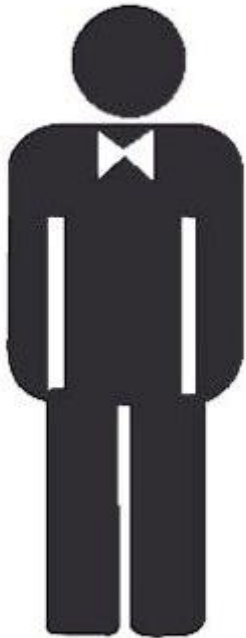


Patient



# Paternalism

Physician



## Hippocratic Oath

I will prescribe regimens for the good of my patients **according to my ability and my judgment** and never do harm to anyone.

Patient



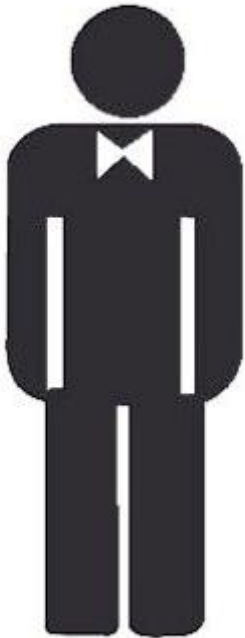
# Paternalism

- = the intentional overriding of one person's preferences or actions by another person, where the person who overrides justifies this action by appeal to the goal of benefiting or of preventing or mitigating harm to the person whose preferences or actions are overridden.
- Beauchamp, T.L., Childress, J.F., (2009) *Principles of Biomedical Ethics*. 6th ed. Oxford University Press, New York, Oxford. p. 208

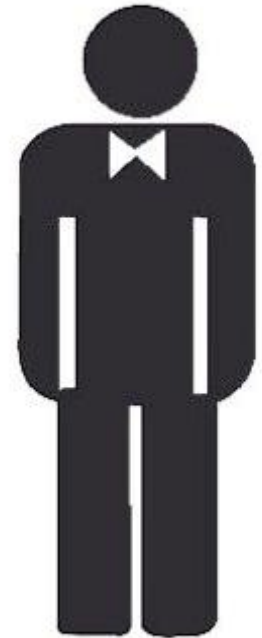


# Partnership

Physician



Patient



- patients share with physicians the responsibility for their own health care

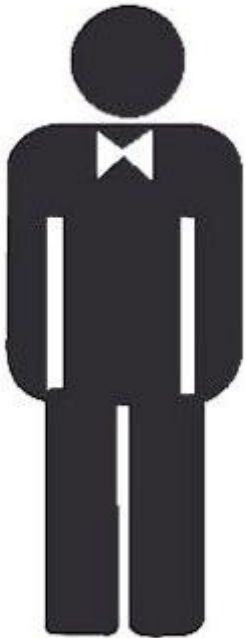
- We must respect individuals' views and rights so long as their thoughts and actions do not seriously harm other persons.
- BUT: free choice is not necessarily wise choice

# Principle of Autonomy

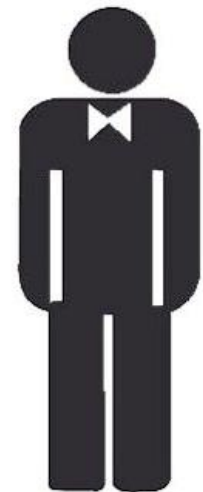
- rights to receive of informations
- to consent or refuse procedures
- to have confidentiality and privacy maintained

# Reality

Physician



Patient



# Conclusion

- Contemporary society prefers partnership over paternalism...
- ...but the choice is never either/or
- Real-life situations are much more complex than ideas in textbooks...
- ...especially if we treat elderly patients.