

## Informed Consent

*“Every human being of adult years and sound mind has a right to determine what shall be done with his own body.” -Justice Benjamin Cardozo, 1914*

One of the most important values in medicine is respect for patient autonomy. This means that patients have the legal and ethical right to say “yes” or “no” when a medical intervention is proposed. But patients cannot make good decisions unless they have sufficient information about the nature of the intervention, its risks, benefits, and alternatives. To fulfill their obligation to promote meaningful patient decision-making, doctors rely on the doctrine of “informed consent.”

Informed consent has five distinct elements: 1) Disclosure of information, 2) Understanding, 3) Voluntariness, 4) Capacity, and 5) Assent

**1) Disclosure of information.** If patients are to make informed decisions, then doctors need to disclose relevant information to them so they can decide. The patient must have a clear understanding of:

- a. The disease process (diagnosis)
- b. Likely outcome (prognosis)
- c. Benefits & burdens of recommended treatment
- d. Benefit & burdens of reasonable alternative treatments
- e. Likely effect of no treatment

**2) Understanding.** Disclosure is not useful unless the patient understands. Thus physicians must make reasonable efforts to assure comprehension by explaining things clearly and simply, providing written instructions, and asking questions to evaluate whether patients adequately understand the nature and implications of the decision at hand.

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**3) Voluntariness of Decision-Making.** Informed consent requires that the patient voluntarily agree to the proposed treatment or procedure, and that they are free from coercion or unfair persuasion.

**4) Capacity to Consent to Treatment.** A patient must have the capacity (ability) to make decisions if they are to fulfill the requirements of informed consent. People are presumed competent unless proven otherwise. Capacity is assessed by evaluating:

- Whether the patient can communicate a choice;
- Whether the patient understands the medical condition and the relevant facts;
- Whether the patient understands the available options and the consequences of the choice, and
- Whether the patient's decision is based on a rational processing of information.

**5) Assent** is the final stage in the process of informed consent. This is where the patient authorizes or gives permission to the doctor to do what is proposed.

### Want more information?

Check HMC Policy: *Informed Consent, L-07 HAM.*

Search "Informed Consent 8.08" @ [www.ama-assn.org/](http://www.ama-assn.org/) to see the *Code of Medical Ethics of the American Medical Association* policy 8.08.

### Questions?

Call the operator (ext.8521) and ask for the ethicist on-call.