Ethical and Legal Panel

The Ethical and Legal Challenges of Keeping the Mother, Fetus and Anesthesiologist Safe


Objectives:
By the end of this presentation the attendee will:
1. Have reviewed the basic ethical principles used to resolve ethical dilemmas
2. Have considered the relationship between autonomy and informed consent
3. Have discussed some ethical dilemmas encountered during obstetrical anesthesia and possible ways to resolve them
4. Have considered ways in which failure to resolve ethical dilemmas may result in safety (including legal) issues for the mother, fetus and anesthesiologist.

An ethical dilemma is where there are two or more possible solutions to a problem; the doing of one of them precludes doing any of the others, as each is incompatible with the other. The generally accepted method for resolving ethical dilemmas is to apply the most relevant of the four prima facie principles (autonomy, beneficence, non-maleficence, justice) to the facts to reach an ethical decision.

Ethical dilemmas are not uncommon in obstetrics and obstetrical anesthesia because there are two or more entities (woman, fetus, anesthesiologist, obstetrician) involved whose interests may be in conflict with each other. Many of the issues revolve around the ethical principle of autonomy, which is enforced by the legal requirement of “informed consent”. The capable person has the right to choose treatment based on a full disclosure (understanding) of its (and its alternatives) risks and benefits.

For the physician, respect for the principle of autonomy may be challenging, as the physician’s own beliefs (personal or professional) may be in conflict with the woman’s decision. If the woman chooses not to have an advised intervention it may impact on the well being of her fetus (or herself). Honoring the principle of autonomy may incur potential risk to the woman and others, including the physician.

Key Points:
1. The capable person has the right to decide on a treatment option
2. Informed consent is the legal process of upholding the ethical principle of autonomy
3. Failure to honor the ethical principle of autonomy may have legal ramifications

Some ethical dilemmas in obstetrical anesthesia will be presented with interactive discussion.

Dilemmas for discussion
1. Informed consent in the laboring parturient
2. Refusal of consent including forced obstetrical intervention
3. Informed consent issues and trainees
4. Birth plans and the Ulysses directive
5. Does the physician have the right to refuse to administer the patient’s choice of anesthetic?
6. Introduction of a new piece of equipment – do we need consent?

Suggested Reading