

# Informed Consent and Capacity

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APM Resident Education Curriculum

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# Informed Consent

- Case I (Part 1)
  - Ms. W an 83 year old female with a history of cognitive impairment and known CAD was admitted with chest pain. EKGs and enzymes are abnormal and a cardiac catheterization is recommended. You are asked to see if you think the patient can consent to the procedure...
  - What do you do now?

# Informed Consent

- A little bit of history...
  - The “era of simple consent”
    - Objection to treatment usually respected
    - However, consent was often inferred or evoked by incomplete or misleading information
  - The “era of informed consent”
    - Goal is to allow a competent individual to exercise effective and informed self-decision-making

## Informed Consent

- Purpose of informed consent
  - To promote individual autonomy
  - To foster rational decision-making
- Informed consent is founded on two distinct legal principles
  - The right of self-determination
  - The physician's fiduciary responsibility to the patient

# Informed Consent

- Exceptions to informed consent
  - Emergency
    - Time required to obtain consent is not available without threatening the patient's life
  - Therapeutic privilege
    - In some circumstances, in which disclosure itself may be harmful to the patient, physicians may withhold certain information
  - Waiver
    - Patients waive their rights to consent
  - Incompetence

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