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Medical Ethics

Medical ethics¹⁾ is a branch of ethics that deals with the moral principles and values that guide the practice of medicine. It is concerned with the ethical issues that arise in the provision of healthcare, such as the allocation of resources, the treatment of vulnerable populations, and the balancing of benefits and risks.

The Hippocratic Oath

The Hippocratic Oath is an ancient Greek ethical code for medical practitioners. It is named after the physician Hippocrates, who is considered the father of Western medicine.

The oath is still often taken by modern-day doctors and healthcare professionals upon graduating from medical school or entering the profession. The original text of the oath includes a number of commitments that a doctor makes to their profession and to their patients, including to practice medicine ethically and to respect the confidentiality of patient information.

It is considered a cornerstone of the medical profession and is intended to establish trust and confidence between doctors and their patients.

Here is the original text of the Hippocratic Oath:

"I swear by Apollo the physician, and Asclepius, and Hygieia, and Panacea, and all the gods and goddesses, that, according to my ability and judgment, I will keep this Oath and this contract:

To hold him who has taught me this art as equal to my parents and to live my life in partnership with him, and if he is in need of money to give him a share of mine, and to regard his offspring as equal to my brothers in male lineage and to teach them this art—if they desire to learn it—without fee and covenant; to give a share of precepts and oral instruction and all the other learning to my sons and to the sons of him who has instructed me and to pupils who have signed the covenant and have taken an oath according to the medical law, but no one else.

I will apply dietetic measures for the benefit of the sick according to my ability and judgment; I will keep them from harm and injustice.

I will neither give a deadly drug to anybody if asked for it, nor will I make a suggestion to this effect. Similarly I will not give to a woman an abortive remedy. In purity and holiness I will guard my life and my art.

I will not use the knife, not even on sufferers from stone, but will withdraw in favor of such men as are engaged in this work.

Whatever houses I may visit, I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief and in particular of sexual relations with both female

and male persons, be they free or slaves.

What I may see or hear in the course of the treatment or even outside of the treatment in regard to the life of men, which on no account one must spread abroad, I will keep to myself, holding such things shameful to be spoken about.

If I fulfill this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot."

Autonomy

One of the foundational principles of medical ethics is the principle of autonomy²⁾, which holds that patients have the right to make their own decisions about their healthcare. This includes the right to be informed about their medical condition and treatment options, and to give or withhold consent for medical procedures. This principle is important because it allows patients to retain control over their own bodies and to make decisions that are in line with their values and preferences.

Another key principle of medical ethics is the principle of non-maleficence³⁾, which dictates that doctors must do no harm to their patients. This means that doctors should not intentionally harm their patients or expose them to unnecessary risks, and should take steps to minimize harm whenever possible. This principle is closely related to the principle of beneficence⁴⁾, which requires doctors to act in the best interests of their patients and to do what is best for their health and well-being.

In addition to these principles, medical ethics also involves the ethical considerations surrounding the allocation of resources. With limited resources available, it is often necessary to prioritize certain treatments or procedures over others. This can raise difficult ethical questions about fairness and justice, and requires careful consideration of the potential benefits and risks of different courses of action.

Another important aspect of medical ethics is the ethical treatment of vulnerable populations. This includes ensuring that patients who are unable to make decisions for themselves, such as children or those with cognitive impairments, receive the care they need in a way that respects their dignity and autonomy. It also involves addressing issues of inequality and discrimination in healthcare, such as ensuring that marginalized or underserved communities have access to quality healthcare.

Non-Maleficence

The medical principle of non-maleficence⁵⁾, also known as the principle of "first, do no harm," is a fundamental ethical guideline in the practice of medicine. This principle dictates that doctors and other healthcare professionals should not intentionally cause harm to their patients, either through their actions or by failing to take appropriate action to prevent harm.

One of the main reasons for the principle of non-maleficence is to ensure that patients are treated with respect and dignity, and that their autonomy is respected. Patients have the right to make informed decisions about their own healthcare, and it is the responsibility of healthcare professionals

to provide them with the information and support they need to make those decisions.

The principle of non-maleficence also applies to the use of medical treatments and procedures. Healthcare professionals should only use treatments and procedures that have been proven to be safe and effective, and should avoid using treatments or procedures that have a high risk of causing harm. This means that doctors should consider the potential risks and benefits of a treatment before deciding to use it, and should only use treatments that are likely to provide more benefit than harm.

In addition to preventing harm to patients, the principle of non-maleficence also requires healthcare professionals to take steps to prevent harm to others, such as by practicing infection control measures to prevent the spread of disease.

Overall, the principle of non-maleficence is a critical ethical guideline in the practice of medicine, and is essential to ensuring that patients receive high-quality, safe care. It is the responsibility of healthcare professionals to adhere to this principle in order to protect the well-being and autonomy of their patients.

Informed Consent

Informed consent⁶⁾ is a cornerstone of medical ethics, as it ensures that patients are fully informed about their healthcare options and can make decisions about their own treatment based on their own values and beliefs. This process involves a thorough explanation of the potential benefits and risks of a particular treatment, as well as any alternatives that may be available.

One of the key principles of informed consent is respect for patient autonomy. This means that healthcare providers should respect a patient's right to make decisions about their own healthcare, even if the provider disagrees with the patient's choice. It is important for healthcare providers to present all relevant information to patients in a clear and understandable way, so that they can make informed decisions.

In some cases, a patient may be unable to give informed consent due to a lack of capacity, such as in the case of a severe cognitive impairment or unconsciousness. In these situations, a healthcare provider may need to rely on a surrogate decision-maker, such as a family member or legal guardian, to make decisions on the patient's behalf. It is important for healthcare providers to involve surrogate decision-makers in the informed consent process, and to ensure that their decisions are based on the patient's best interests.

There are also cases where a patient may be unable to fully understand the implications of a particular treatment, due to language barriers, cultural differences, or other factors. In these cases, it is important for healthcare providers to take extra care to ensure that the informed consent process is as thorough and effective as possible. This may involve using interpreter services, providing additional written materials, or taking other steps to ensure that the patient has a clear understanding of the treatment options and their potential risks and benefits.

Informed consent is an essential part of medical ethics, as it ensures that patients are able to make informed decisions about their own healthcare. It is important for healthcare providers to respect patient autonomy and involve surrogate decision-makers when necessary, while also taking extra care to ensure that the informed consent process is as thorough and effective as possible.

Informed versus Implied Consent

Informed consent is the process of a patient voluntarily agreeing to a medical treatment, procedure, or clinical trial after being fully informed of the risks, benefits, and alternatives involved. This means that the patient has a clear understanding of what they are consenting to and has the capacity to make an informed decision. An example of informed consent is when a patient signs a consent form after a doctor has thoroughly explained a surgical procedure and its potential risks and benefits.

Implied consent, on the other hand, occurs when a patient's actions indicate that they agree to medical treatment without explicit verbal or written agreement. This type of consent is often used in emergency situations when the patient is unable to provide informed consent due to their medical condition. For example, if a patient is unconscious and in need of immediate medical attention, the medical team may proceed with lifesaving treatment based on the implied consent that the patient would have agreed to the treatment if they were able to make an informed decision.

It's important to note that informed consent is the preferred method of obtaining consent in medical ethics and is considered a cornerstone of patient autonomy and respect for persons. Implied consent is only used in exceptional circumstances and should be limited to life-saving treatments where the patient is unable to provide informed consent.

In mental health and psychotherapy, implied consent may arise in situations where a patient is unable to provide explicit verbal or written agreement due to their mental or emotional state. For example, if a patient is in an acute state of distress and unable to communicate effectively, the therapist may proceed with a crisis intervention based on the implied consent that the patient would have agreed to the treatment if they were able to make an informed decision.

Another example is when a patient is under involuntary commitment and receiving court-ordered treatment for a mental health condition. In these cases, the patient may not have explicitly agreed to the treatment but it is assumed that they would have consented if they were able to do so.

It's important to note that implied consent in mental health and psychotherapy should only be used in exceptional circumstances and should be limited to treatments necessary to address immediate safety concerns. In all other cases, mental health professionals should strive to obtain informed consent from the patient, ensuring that they understand the nature of the treatment and their right to refuse or withdraw consent at any time. This approach respects the patient's autonomy and supports their recovery journey.

Confidentiality

Confidentiality is an important aspect of medical ethics and psychotherapy, as it helps to protect the privacy and trust of patients.

In medical ethics, confidentiality refers to the principle that medical professionals must keep a patient's personal health information and medical records private, unless the patient gives their explicit consent for the information to be shared. This means that medical professionals must not disclose a patient's medical information to anyone else without the patient's permission, unless there are specific circumstances that require disclosure, such as a court order or threat to the patient or others.

In psychotherapy, confidentiality is even more crucial, as the therapy relationship is built on trust and the sharing of personal thoughts and feelings. Psychotherapists are bound by strict ethical and legal requirements to maintain the confidentiality of their patients, except in limited circumstances, such as when there is a clear and immediate risk of harm to the patient or others. This means that psychotherapists cannot disclose any information about their patients or their therapy sessions to anyone else without the patient's written consent, except when required by law.

Confidentiality in medical ethics and psychotherapy is crucial for ensuring that patients feel safe and secure in their medical and therapeutic relationships and that their privacy is protected. It is also a fundamental aspect of patient autonomy, as patients have the right to control who has access to their personal health information.

Breaches

There have been several famous cases of confidentiality breaches in the medical and psychotherapy fields.

Some examples include:

- **The Tarasoff case** - This was a landmark case in 1976 in which the Supreme Court of California ruled that psychotherapists have a duty to warn potential victims if their patient presents a serious threat of violence. This case set a precedent for breaking confidentiality in cases where there is an imminent risk of harm to others.
- **The Hanssen case** - Robert Hanssen, a former FBI agent, was arrested in 2001 for spying for the Soviet Union and Russia. He had undergone psychological evaluations while employed by the FBI, and the psychologist who evaluated him was later accused of breaching confidentiality by sharing Hanssen's information with the FBI.
- **The HIPAA breach** - The Health Insurance Portability and Accountability Act (HIPAA) was enacted to protect the privacy of medical records and personal health information. However, there have been several high-profile cases of data breaches that have exposed the personal health information of millions of patients, including the theft of laptops containing unencrypted patient data and the hacking of healthcare databases.
- **The Gosport War Memorial Hospital case** - In 2018, an inquiry found that hundreds of patients had died prematurely at the Gosport War Memorial Hospital due to the administration of powerful painkillers without medical justification. The inquiry found that medical records had been altered to cover up the extent of the problem, leading to a breach of confidentiality and a loss of trust in the healthcare system.
- **The NHS data breach** - In 2020, it was revealed that the personal data of millions of patients had been accessed and potentially stolen in a large-scale cyberattack on the National Health Service (NHS). The breach included patient names, addresses, dates of birth, and in some cases, sensitive medical information, leading to a serious breach of confidentiality and raising concerns about the security of the NHS data.
- **The Winterbourne View case** - In 2011, a BBC Panorama investigation exposed widespread abuse and neglect of patients with learning disabilities at the Winterbourne View care home. The investigation revealed that staff had failed to protect the confidentiality of their patients, as they had shared intimate details about the patients' lives and medical conditions with each other and with visitors to the home.

These cases highlight the importance of maintaining confidentiality in the medical and psychotherapy fields, as well as the consequences of breaches of confidentiality. They also underscore the need for clear ethical and legal guidelines to govern when and how confidentiality may be broken in exceptional circumstances.

Conclusion

Overall, medical ethics is a complex and multifaceted field that deals with the ethical issues that arise in the practice of medicine. It is concerned with respecting the autonomy of patients, minimizing harm, acting in the best interests of patients, and ensuring the fair and just allocation of resources. By adhering to these principles, healthcare professionals can provide the highest quality of care to their patients and uphold the ethical standards of the medical profession.

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- ¹⁾ Medical ethics [Wikipedia](#)
 - ²⁾ Autonomy [Wikipedia](#)
 - ^{3), 5)} Primum non nocere [Wikipedia](#)
 - ⁴⁾ Beneficence [Wikipedia](#)
 - ⁶⁾ Informed consent [Wikipedia](#)

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