

## L5- Respect of autonomy- Consent

### Competence and Consent

#### Competence:

- ❑ Judgment of person's competence serves as gate-keeping function in health care provision.
- ❑ It distinguishes which persons are accepted as autonomous or not.
- ❑ This may lead to appointing guardians for incompetence persons.

# Competence To Consent Competence To Consent

**David Boonin**



## **Competence To Consent Competence To Consent:**

**Assessing Competence to Consent to Treatment** Thomas Grisso, Paul S. Appelbaum, 1998 This is a concise guidebook to the assessment of patients' capacities to consent to treatment. It will help clinicians focus on the abilities that are relevant to legal definitions of competence to consent to medical and psychological treatment. With excellent case vignettes, the authors show how the interview process is carried out and offer strategies for responding to patients with limited capacities.

**Children's Competence to Consent** Gary B. Melton, Gerald P. Koocher, Michael J. Saks, 2012-12-06      **Competence to Consent** Becky Cox White, 1994-09-16 Free and informed consent is one of the most widespread and morally important practices of modern health care; competence to consent is its cornerstone. In this book, Becky Cox White provides a concise introduction to the key practical, philosophical, and moral issues involved in competence to consent. The goals of informed consent—respect for patient autonomy and provision of beneficent care—cannot be met without a competent patient. Thus, determining a patient's competence is the critical first step to informed consent. Determining competence depends on defining it, yet surprisingly, no widely accepted definition of competence exists. White identifies nine capacities that patients must exhibit to be competent. She approaches the problem from the task-oriented nature of decision making and focuses on the problems of defining competence within clinical practice. Her proposed definition is based on understanding competence as occurring in a special rather than a general context, as occurring in degrees rather than at a precise threshold, as independent of consequential appeals, and as incorporating affective as well as cognitive capacities. Combining both an ethical overview and practical guidelines, this book will be of value to health care professionals, bioethicists, and lawyers.

Competence to Consent Becky Cox White, 1994 Free and informed consent is one of the most widespread and morally important practices of modern health care; competence to consent is its cornerstone. In this book, Becky Cox White provides a concise introduction to the key practical, philosophical, and moral issues involved in competence to consent. The goals of informed consent—respect for patient autonomy and provision of beneficent care—cannot be met without a competent patient. Thus, determining a patient's competence is the critical first step to informed consent. Determining competence depends on defining it, yet surprisingly, no widely accepted definition of competence exists. White identifies nine capacities that patients must exhibit to be competent. She approaches the problem from the task-oriented nature of decision making and focuses on the problems of defining competence within clinical practice. Her proposed definition is based on understanding competence as occurring in a special rather than a general context, as occurring in degrees rather than at a precise threshold, as independent of consequential appeals, and as incorporating affective as well as cognitive capacities. Combining both an ethical overview and practical guidelines, this book will be of value to health care professionals, bioethicists, and lawyers.

Informed Consent Stephen Wear, 1992-12-31 Substantial efforts have recently been made to reform the physician-patient relationship, particularly toward replacing the silent world of doctor and patient with informed patient participation in

medical decision making This new ethos of patient autonomy has especially insisted on the routine provision of informed consent for all medical interventions Strongly supported by most bioethicists and the law as well as more popular writings and expectations it still seems clear that informed consent has at best been received in a lukewarm fashion by most clinicians many simply rejecting what they commonly refer to as the myth of informed consent The purpose of this book is to defuse this seemingly intractable controversy by offering an efficient and effective operational model of informed consent This goal is pursued first by reviewing and evaluating in detail the agendas arguments and supporting materials of its proponents and detractors A comprehensive review of empirical studies of informed consent is provided as well as a detailed reflection on the common clinician experience with attempts at informed consent and the exercise of autonomy by patients In the end informed consent is recast as a management tool for pursuing clinically and ethically important goods and values that any clinician should see as meriting pursuit Concurrently the model incorporates a flexible anticipatory approach that recognizes that no static generic ritual can legitimately pursue the quite variable goods and values that may be at stake with different patients in different situations Finally efficiency of provision is addressed by not pursuing the unattainable and ancillary Throughout the traditional principle of beneficence is appealed to toward articulating an operational model of informed consent as an intervention that is likely to change outcomes at the bedside for the better

**A History and Theory of Informed Consent** Ruth R. Faden, Tom L. Beauchamp, 1986-02-27 Clearly argued and written in nontechnical language this book provides a definitive account of informed consent It begins by presenting the analytic framework for reasoning about informed consent found in moral philosophy and law The authors then review and interpret the history of informed consent in clinical medicine research and the courts They argue that respect for autonomy has had a central role in the justification and function of informed consent requirements Then they present a theory of the nature of informed consent that is based on an appreciation of its historical roots An important contribution to a topic of current legal and ethical debate this study is accessible to everyone with a serious interest in biomedical ethics including physicians philosophers policy makers religious ethicists lawyers and psychologists This timely analysis makes a significant contribution to the debate about the rights of patients and subjects

**Competence and Vulnerability in Biomedical Research** Philip Bielby, 2008-09-16 Enhanced knowledge of the nature and causes of mental disorder have led increasingly to a need for the recruitment of cognitively vulnerable participants in biomedical research These individuals often fall into the grey area between obvious decisional competence and obvious decisional incompetence and as a result may not be recognised as having the legal capacity to make such decisions themselves At the core of the ethical debate surrounding the participation of cognitively vulnerable individuals in research is when if at all we should judge them decisionally and legally competent to consent to or refuse research participation on their own behalf and when they should be judged incompetent in this respect In this book the author develops a novel justificatory framework for making judgments of decisional competence to consent to biomedical research

with reference to five groups of cognitively vulnerable individuals older children and adolescents adults with intellectual disabilities adults with depression adults with schizophrenia and adults with dementia including Alzheimer s disease Using this framework the author argues that we can make morally defensible judgments about the competence or incompetence of a potential participant to give contemporaneous consent to research by having regard to whether a judgment of competence would be more harmful to the generic rights of the potential participant than a judgment of incompetence The argument is also used to justify an account of supported decision making in research and applied to evaluate the extent to which this approach is evident in existing ethical guidelines and legal provisions The book will be of interest to bioethicists as well as psychiatrists and academic medical lawyers interested in normative questions raised by the concepts of competence and capacity

**Evaluating Competencies** Thomas Grisso,2006-01-27 As in its first edition this book offers a conceptual model for understanding the nature of legal competencies The model is interpreted to assist mental health professionals in designing and performing assessments for legal competencies defined in criminal and civil law and to guide research that will improve the practice of evaluations for legal competencies A special feature is the book s evaluative review of specialized forensic assessment instruments for each of several legal competencies Three fourths of the 37 instruments reviewed in the second edition are new and thus were not reviewed in the first edition Application of the assessment model and reviews of instruments are provided for six areas of legal competence Competence to Stand Trial Waiver of Rights to Silence and Legal Counsel Not Guilty by Reason of Insanity Parenting Capacity Determination of Child Custody Guardianship and Conservatorship and Competence to Consent to Treatment

**Children's Competence to Consent** Gary B. Melton,Gerald P. Koocher,Michael J. Saks,1973 Evaluation of Capacity to Consent to Treatment and Research Scott Y.H.

Kim,2009-12-01 Forensic mental health assessment FMHA has grown into a specialization informed by research and professional guidelines This series presents up to date information on the most important and frequently conducted forms of FMHA The 19 topical volumes address best approaches to practice for particular types of evaluation in the criminal civil and juvenile family areas Each volume contains a thorough discussion of the relevant legal and psychological concepts followed by a step by step description of the assessment process from preparing for the evaluation to writing the report and testifying in court Volumes include the following helpful features Boxes that zero in on important information for use in evaluations Tips for best practice and cautions against common pitfalls Highlighting of relevant case law and statutes Separate list of assessment tools for easy reference Helpful glossary of key terms for the particular topic In making recommendations for best practice authors consider empirical support legal relevance and consistency with ethical and professional standards These volumes offer invaluable guidance for anyone involved in conducting or using forensic evaluations Patients provide valid informed consent to a treatment or a diagnostic procedure if they have sufficient capacity have been given appropriate information and give consent freely without coercion or undue influence When a patient s capacity for treatment consent is in

doubt a clinician must determine whether the patient indeed has the capacity This book provides clear step by step information on the evaluation procedure for capacity to consent to both treatment and research

**Autonomy, Informed Consent and Medical Law** Alasdair Maclean, 2009-02-12 Alasdair Maclean analyses the ethical basis for consent to medical treatment providing both an extensive reconsideration of the ethical issues and a detailed examination of English law Importantly the analysis is given a context by situating consent at the centre of the healthcare professional patient relationship This allows the development of a relational model that balances the agency of the two parties with their obligations that arise from that relationship That relational model is then used to critique the current legal regulation of consent To conclude Alasdair Maclean considers the future development of the law and contrasts the model of relational consent with Neil Manson and Onora O'Neill's recent proposal for a model of genuine consent

*The Routledge Handbook of the Ethics of Consent* Peter Schaber, Andreas Müller, 2018-06-14 While the importance of consent has been discussed widely over the last few decades interest in its study has received renewed attention in recent years particularly regarding medical treatment clinical research and sexual acts The Routledge Handbook of the Ethics of Consent is an outstanding reference source to this exciting subject and the first collection of its kind Comprising over thirty chapters by a team of international contributors the Handbook is divided into five main parts General questions Normative ethics Legal theory Medical ethics Political philosophy Within these sections central issues debates and problems are examined including the nature and normative importance of consent paternalism exploitation and coercion privacy sexual consent consent and criminal law informed consent organ donation clinical research and consent theory of political obligation and authority The Routledge Handbook of the Ethics of Consent is essential reading for students and researchers in moral theory applied ethics medical ethics philosophy of law and political philosophy This volume will also be very useful for those in related fields such as political science law medicine and social science

[Making Health Care Decisions: Appendices, studies on the foundations of informed consent](#) United States. President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 1982

*Children's Competence to Consent to Medical Treatment Or Research* Irma Marijke Hein, 2015

**Sexual Ethics and Problematic Consent** David Boonin, 2024-11-11 When it comes to sex no means no but yes doesn't always mean yes Cases where a person's yes to sex should be treated as a no are uncontroversial when they involve forms of coercion deception or incompetence that clearly render their consent to sex invalid But between those cases where yes clearly means yes and those where yes clearly means no lie a variety of more problematic cases In this provocative and challenging book David Boonin considers what we should say about them Clear cases of coercion for example involve the threat of significant physical harm But what should we say about cases involving the threat of harms that are relatively insignificant or that involve no physical harm at all Impersonating someone's spouse to trick them into saying yes to sex is clearly very wrong but what about the more mundane kinds of lies people tell when they're trying to meet

someone It s wrong to have sex with someone who says yes when they re so drunk they re about to pass out and not wrong if they say yes after having a few sips of beer What though should we say about the more difficult cases in the middle where it s genuinely unclear whether they ve had too much to drink What s the most reasonable view about other forms of incompetent consent to sex like those involving young children elderly dementia patients or people born with severe and permanent cognitive impairments And what about cases of problematic sexual consent that don t involve coercion deception or incompetence at all Can a patient give valid consent to sex with their therapist Can the offer of a large amount of money in exchange for sex invalidate the sexual consent the offer elicits Boonin offers a variety of clear and at times surprising answers to these and other questions about unclear cases in an engaging discussion that should be of interest to students and scholars as well as to anyone else who is concerned with problematic sexual consent

*Ethical and Legal Issues for Imaging Professionals* Doreen M. Towsley-Cook, Terese A. Young, 2007-03-08 This balanced examination of ethical and legal principles and issues provides vital information for radiography ultrasound nuclear medicine and radiation professionals By discussing the foundations of ethics for technologists then entering into a discussion of applicable law *Ethical and Legal Issues for Imaging Professionals* 2nd Edition provides an approach that leads to a more successful style of personal risk management With each chapter divided into two sections of ethical issues and legal issues the content is easy to read and understand Plus learning activities and current event discussions help the readers learn and remember information so they can use it in real life Imaging Scenarios spark classroom discussion and encourage students to apply what they have learned and develop critical thinking and problem solving skills Review Questions at the end of each chapter allow students to test their retention of chapter content Critical Thinking Questions and Activities helps students examine their personal responses to various situations and encourages them to expand on their knowledge of policies and procedures Professional Profiles present a brief glimpse into how ethics and law impact the daily lives of professional imaging technologists Margin Definitions and Glossary provide an easily accessible resource to understanding terminology Learning Objectives and Chapter Outline focus the student on the most important content Discussion of limited radiographers health care literacy HIPAA employee rights whistle blowing and relevant new technologies include the most current information available to keep readers up to date on topics in their field More relevant and up to date case studies keep readers current on situations they may face in the field Expanded content on the history of ethics gives users a better understanding of ethics Updated legal terminology provides the most current information on the ever changing world of law Bulleted key point summaries highlight important information from each chapter for easy review

*Medical Law Handbook* Raj Mohindra, Alison Davies, 2017-09-29 Law touches more and more upon the daily practice of medical professionals This trend continues as modern medicine delivers more therapies and modern society demands increased rights for individuals and increased accountability for medical professionals This handbook is written by a practising physician and qualified lawyer to provide an accessible text

that allows medical professionals to grasp the legal rules that impact on their daily practice quickly and clearly The handbook format and clear numbered paragraphs aid speed of use and legal references are matched to short case summaries and legal statute summaries throughout to provide a solid evidence base The work enables practitioners to clarify legal questions in all key areas in moments It concisely and comprehensively covers the core topics including confidentiality consent and negligence and clarifies particularly complex issues such as abortion assisted reproduction surrogacy human tissue and the end of life This book is an essential reference for medical professionals at every level and in every setting from students to consultants The purpose of this book is to provide an accessible resource for busy medical professionals The text assumes no knowledge of law The medical factual details that are often frustratingly missing from legal textbooks are retained The point is to locate the cases not just on the legal maps but also upon the medical maps Raj Mohindra in the Introduction

**Cognitive and Intellectual Disabilities** Stephen B. Richards, Michael P. Brady, Ronald L. Taylor, 2014-09-15 Cognitive and Intellectual Disabilities Historical Perspectives Current Practices and Future Directions provides thorough coverage of the causes and characteristics of cognitive and intellectual disabilities formerly known as mental retardation as well as detailed discussions of the validated instructional approaches in the field today Features include A companion website that offers students and instructors learning objectives additional activities discussion outlines and practice tests for each chapter of the book An up to date volume that reflects the terminology and criteria of the DSM V and is aligned with the current CEC standards Teaching Applications presents the strongest coverage available in any introductory text on instructional issues and applications for teaching students with cognitive and intellectual disabilities A unique chapter on Future Issues that explores the philosophical social legal medical educational and personal issues that professionals and people with cognitive and intellectual disabilities face This comprehensive and current introductory textbook is ideally suited for introductory or methods courses related to cognitive and intellectual disabilities *Child Health* Francoise van Dorp, Chantal Simon, 2007

This work will provide the practicing GP with all the information needed to deal with common paediatric problems in the community It provides an overview of current paediatric surveillance checks and a scheme for assessment of sick children in the community It gives detailed coverage of major paediatric clinical topics *Principles of Health Care Ethics* Richard Edmund Ashcroft, Angus Dawson, Heather Draper, John McMillan, 2015-08-12 Edited by four leading members of the new generation of medical and healthcare ethicists working in the UK respected worldwide for their work in medical ethics Principles of Health Care Ethics Second Edition is a standard resource for students professionals and academics wishing to understand current and future issues in healthcare ethics With a distinguished international panel of contributors working at the leading edge of academia this volume presents a comprehensive guide to the field with state of the art introductions to the wide range of topics in modern healthcare ethics from consent to human rights from utilitarianism to feminism from the doctor patient relationship to xenotransplantation This volume is the Second Edition of the highly successful work edited by



Professor Raanan Gillon Emeritus Professor of Medical Ethics at Imperial College London and former editor of the Journal of Medical Ethics the leading journal in this field Developments from the First Edition include The focus on Four Principles Method is relaxed to cover more different methods in health care ethics More material on new medical technologies is included the coverage of issues on the doctor patient relationship is expanded and material on ethics and public health is brought together into a new section

## Unveiling the Magic of Words: A Review of "**Competence To Consent Competence To Consent**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Competence To Consent Competence To Consent**," a mesmerizing literary masterpiece penned by way of a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound impact on the souls of its readers.

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