Legal and Ethical Consequences of Responsibility: Analytical Essay

This case study will focus on the making ethical and legal decision concerning Doreen's recent medical condition after she suffered traumatic and life-threatening conditions. The values of Doreen, Bea, and Vera Bennet her prison governor and justice of peace, will be discussed. This essay also explains to how medical emergency team (MET) respect Doreen wishes 'not for CPR'. Thus, this paper will argue on the legal and ethical consequences involved which relates to consent in such a critical decision with references to common law cases.

Ethical decision

While making an ethical decision consider Doreen may have Independence as a value.

Independence can be described as look after one's own life and own choice, self- determine, freedom and being able to access social support and resources in the community to meet emotional, social and physical needs (Schwanen & Ziegler, 2011). Moreover, independence is self-initiative, self-determination, and being autonomous (Kitayama, Conway III, Pietromonaco, Park, and Plaut, 2010). People conduct independence by engaging everyday activity outside the home, fulfilling personal goals and affirming one's life, happiness, satisfaction and positive emotion which enhance wellbeing (Dolan & Metcalfe, 2012). Independence mainly highlights self-management and ensure their own wellness (Barken, 2019).

In other way to explain independence is not too dependent on someone and not to lose own personality and control over daily activity which improve the quality of life (Garcia & Ramirez Navarrro, 2018). Independence is not only the term self-reliance, but it also includes functional ability, autonomy, reciprocity, valued role and continuity of one's own identity (Schwanen & Ziegler, 2011). By losing independence people feel, burden, angry and, frustrated which may impact on quality of life and wellbeing (Ness et al., 2014). Hence, losing independence may result feeling insecure, anxious and distress own self (Ahlqvist et al., 2016). In this case study Doreen thinks if she dependent on someone she will deteriorate time to time and that might affect on her decision-making capacity.

While making an ethical decision consider Bea may have responsibility as a value. Responsibility is defined as "as the systematic attempt to achieve the determined objectives and the strict adherence to the accepted principles" (Ghasemi et al.,2019). Responsibility means to respond to the action (Maier, 2019). The value of responsibility gained through real life experiences and education (Sapsaglam , 2017). Responsibility provides safety and security and make someone responsible (Freeman & Hasnaoui, 2011). Responsibility mainly associated with competency and capability and senses of duty (Ghasemi et al.,2019). The value responsibility plays an essential role in person's academic and social life (Sapsaglam , 2017).

Furthermore, responsibility has the tendency to complete assigned tasks (Ghasemi et al.,2019). Responsibility may include moral or emotional task which influence on decision making (Lepron et al., 2014). Children learns responsibility as a value from their parents in early childhood which

influences individual behaviour (Lenzi et al., 2014). Children also learn responsibility from their cultural beliefs and their daily exchanges with care giver and parents (Aviezer et al., 2017). Bea is Doreen's friend and she wanted best possible cares for Doreen to get her better and as a caring and responsible friend Bea Informed doctor Molly about Doreen's advanced health directive (AHD).

This paper will explain Article 5, Autonomy and individual responsibility, and Article 7, Person without the capacity to consent, from the Universal Declaration on Bioethics and Human Rights principles (United Nation, 2005). The autonomy of persons to make decisions by taking responsibility for those decisions and respecting the autonomy of others (United Nation, 2005). For persons who are not capable of exercising autonomy, special measures are to be taken to protect their rights and interests (United Nation, 2005). Autonomy respect the right to self-determination and self-interest and self-interest has survival value (Wrenn et al., 2017).

According to Article 5, Autonomy and individual responsibility patient has right to refuse about the treatment in case if cause them harm and according to the declaration patient's decision or expression needs to be respected (United Nation, 2005). Autonomy based on fundamental principal of human dignity (United Nation, 2005). Autonomy also reflects the freedom and rights of each person to make individual decisions (United Nation, 2005). In this case study when Bea Doreen's friend contacted doctor Molly, she informed doctor Molly about her advanced health directives (AHD) about Doreen's preferences if she not able to recover back in her normal state. According to article 5 Molly's decision was consistent as a doctor she respected Doreen's value of independence which is closely related to autonomy. Doreen made clear decision of her wishes in event of life-threatening illness not for cardio- pulmonary resuscitation (CPR) if further deterioration. Molly's decision was consistent to

According to article 7, person without the capacity to consent gives special protection to person who does not have capacity to consent (United Nation, 2005). According to law consider involving person in the decision-making process of consent, however person is not able to give consent, in that case their legal representative can make decision. Person who does not have capacity to consent in any decision they should get special protection which based on ethical and legal standards. In some condition such as coma because of accident, surgical procedure and acute disease condition person might have chances of recover to gain full capacity to consent in that case important to check person's past medical history to get information about their preferences or get the information from family.

However, as per the AHD while person is capable to make decisions or person might let someone know about their decision how and what type of care they are expecting in later life if they temporarily or permanently, incapable of consenting for themselves. This may relate to the acceptance or the refusal of care which should be respected (United Nation, 2005). As per this case study Doreen made AHD and according to that Doreen does not want to be kept alive if she cannot look after herself. During the suction of secretion Doreen condition got worse and she is becoming cyanosed and her heartbeat was dropped she struggled to breath and as per the Doreen's AHD Doreen does not want CPR and Medical Emergency Team (MET) respected Doreen's decision which is consistent as per article 7.

Legal decision

Thorogood et al. (2018) mentioned that every person has right to decide about their care what is done to their body and what are the preferences regarding their care. However, when person has less decision making capacity in that situation they can seek advice from their surrogate decision?maker which selected by the patient and if they are not able to make decision then medical team can take decision in patients best interest (Wasserman & Navin, 2018). Gaining consent is helpful for patient to aware of benefits and associated risk with the treatment (Kerridge et al., 2013).

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