
Ethical Legal Professional Issues – Informed Consent

Directions: Divide students into groups of four to five. Give each group the situation and have them discuss the questions listed first and then make a list of the other questions as they come up in the discussion.

Situation:

A 56 year- old patient with Parkinson’s disease is experiencing difficulty in swallowing, leading to choking and a high potential for aspiration pneumonia. On her morning visit, the physician discusses the placement of a feeding tube for nutrition and the patient agrees.

Later that morning, when you begin the procedure, the patient becomes agitated, clearly stating that he did not realize that the tube would be in his nose and refuses to have the tube placed.

The patient’s wife is at the bedside and tells you to insert the feeding tube.

Questions for Discussion:

Which criteria for informed consent is missing?

Is the patient competent to give or withhold consent?

Is it legal for the wife to go against her husband’s wishes?

What is the appropriate action in this case?

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Answer Key: These responses constitute a guide for discussion. It is important to facilitate open dialogue among all the participants in the discussion, to consider all responses, and to address the additional questions that arise in the discussion.

Situation:

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Later that morning, when you begin the procedure, the patient becomes agitated, clearly stating that he did not realize that the tube would be in his nose and refuses to have the tube placed.

The patient’s wife is at the bedside and tells you to insert the feeding tube.

Questions for Discussion:

- Which criteria for informed consent is missing?
(See page 40-Objective 4-B&C) Patient does not have a thorough understanding of procedure.
- Is the patient competent to give or withhold consent?
According to the information given in the situation, the patient is competent to withhold consent.
- Is it legal for the wife to go against her husband’s wishes?
The wife can certainly express her opinion in the situation. However, as the patient is competent to make his own decisions, she has no legal right to make the decision for him. More importantly, the nurse cannot legally follow the wife’s directions when they are in conflict with the expressed desires of a competent patient.
- What is the appropriate action in this case?
(See page 40, Objective 4-C.4) The nurse must not coerce, nor accept the patient’s signature for the procedure if required, nor should the nurse insert the feeding tube. The nurse can discuss the situation with the patient further and promote communication between the husband and wife, but must notify the physician of the situation for follow through and further discussion of options and consequences.