

Does the Patient Have the Right to Refuse Lifesaving Surgery?

The Gold Foundation *Ethics for Lunch* Seminar Series: Difficult Cases from the New York - Presbyterian Hospital Ethics Committee

Barron Lerner, MD, PhD

March 1, 2005 12:00 pm - 1:30 pm

First Floor Amphitheatre College of Physicians & Surgeons 630 West 168th Street
New York, NY 10032

Barron Lerner, MD, PhD, the Angelica Berrie-Arnold P. Gold Foundation Associate Professor of Medicine and Public Health at the Columbia University College of Physicians & Surgeons offered a challenging medical ethics case to an audience of over 90 attendees. This provocative case dealt with the capacity of an 87 year old male with an aortic aneurism to provide consent for a high-risk vascular surgical procedure, and provided complex and multi-layered ethical and cultural dilemmas.

The audience members participated in and were stimulated by a discussion about whether the patient had the right to refuse life-prolonging surgery. For example, if a patient (with no advocate) declines surgery, although a psychiatrist has determined that the patient lacks capacity, is it wrong to force surgery against the patient's will when the chances of surviving it is only 5%? Dr. Lerner explained how capacity cases are situation-dependent, and that the standards for determining capacity should vary depending on the level of risk of the intervention. If the intervention has a high risk and poor prognosis, overriding a patient's choice is not a good idea on the part of the hospital. Dr. Lerner increased audience awareness regarding the lack of policy and guidelines that deal with capacity and medical futility.

We would like to thank the Gold Foundation for their generous support in providing lunch for the attendees.