

Substituted Judgment: How Much Does the Proxy Really Know About the Patient's Wishes?

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

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12:00 pm - 1:30 pm
Hammer Health Sciences Center
Columbia University Medical Center
701 West 168th Street New York, NY

Dr. Kenneth Prager presented two patient cases to an audience of over 100. The cases were selected to illustrate the controversial topic of substituted judgment in medical decision-making. When a patient becomes incapacitated or is otherwise unable to make competent choices about his or her healthcare, choices can be made for the patient according to the "best interest" standard or the "substituted judgment" standard if there is a healthcare proxy who knows the patient.

The two cases that were discussed seemed quite similar medically, and both presented a dire prognosis. In both cases, the proxies made decisions to allow the patient to die based on what they believed the patient would prefer, given the apparently "futile" medical situation. But the outcomes were totally different. In one case, the physicians agreed and withdrew life support and the patient died. In the other case, the physicians did not agree, and delayed withdrawing life support. The patient revived, survived to leave the hospital, and stated he was glad to be alive.

The two cases illustrated that proxies do not always know what the patient prefers given medical situations.

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