

## Case 21 – Annabelle

### Best Practice Response

Annabelle wants to speak with the treating physician about her mother (Mrs M.) who is unconscious and bleeding as a result of a head-on collision. Annabelle and her mother are both Jehovah's Witnesses.

#### **Material facts**

- The relevant facts are:
  - Mrs M is unable to give consent for her daughter, Annabelle, to speak with the medical practitioner, nor is she able to give consent to any proposed treatment, as she is unconscious;
  - Annabelle and her mother are both Jehovah's Witnesses;
  - Mrs M is bleeding. Will there be a recommendation for a blood transfusion?
  - It is assumed that, but for the accident, Mrs M was competent and had capacity to make her own health decisions.

#### **Relevant ethical considerations and medico legal issues**

- It is a fundamental tenant of ethical medical practice, that adult patients have the right to make their own health care decisions. An adult patient (aged 18 years or over) who has capacity can refuse any medical treatment, even if the refusal will result in his or her death.
- Where a patient's capacity is compromised, management of the patient should be approached sensitively and have regard to the following considerations:
  - where it is found that the patient lacks capacity, can the patient's daughter act as a substitute decision maker?
  - Is an involuntary treatment order necessary?
  - Can life-saving treatment be given in the absence of the patient's, or the daughter's consent?

#### **MDA's recommendations**

- This is a very difficult ethical scenario.
- Whilst Annabelle has indicated that both she and her mother are Jehovah's Witnesses, it would not be appropriate to take this into consideration should a blood transfusion become necessary to save Mrs M's life on the basis of verbal information only.

- Has Mrs M has previously disclosed that she is a Jehovah's Witness or has she previously refused treatment on the basis of her beliefs? A review of any available clinical records may assist in this regard and it may be necessary to contact her current treating doctors.
- Enquiries should also be made as to whether Annabelle holds a Power of Attorney which enables her to make health decision on behalf of her mother, or whether Mrs M has completed an Advanced Care Directive.
- Seek urgent advice from your MDO if there are no legally binding documents regarding decision making in relation to Mrs M's health care, and you are unable to confirm Mrs M's beliefs, the wisest course may be to proceed to transfusion, however this decision needs to be carefully considered with respect to all the relevant circumstances.

### **Additional Resources and Supporting Documents**

(see GPSA website)

- Treatment Refusal
- End of Life Care
- Do I need Consent