

Ethical framework: from advance directives to advance care planning

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No conflicts of interest



Cruzan case

- **Prior statements**
 - “Didn’t want to live as vegetable”
 - “If couldn’t do things for herself or even halfway, wouldn’t want to live that way”
- **States may require:**
 - Signed legal document OR
 - Oral statement rejecting the specific intervention in that situation

Implications of Cruzan ruling

- **Mistrust prior discussions with patient**
- **Focus on written advance directives**
 - State laws authorize health care proxy
 - Federal Patient Self-Determination Act
- **Who should do advance directives**
 - Everyone, even young, healthy persons?
 - Patients in hospital?

Limitations of advance directives when patients can no longer decide

- **Actual clinical situation and decisions
may not be anticipated by patient**
- **Overlook deliberation and discussions**
 - Patient + surrogate + physician

Advance care planning (ACP)

- **Process and discussions, not document**
- **Start with patient's values and goals, not specific medical interventions**
- **Not only withholding interventions**
 - Preferences regarding “good death”
 - Relieve burdens on surrogates

Who and when?

- **Everyone in the community, including healthy**
- **Everyone receiving health care**
- **Persons with serious chronic illness**
- **“Just in time”**

Limitations of previous patient statements

- May not have considered situation that requires decision later
- Values, goals, preferences may change
- What is best for patient now may be inconsistent with prior discussions
- May wish to give family leeway

Decisions uncertain, difficult

- **How much burden, for how long, for what benefit and probability?**
 - Too soon vs. too late?
 - Reasonable attempts to treat reversible problems
 - Emotions, family dynamics complicated
 - Recommendation of trusted physician

Decisions uncertain, difficult

- If base decisions on patient's values, goals of care, current best interests:
 - Huge legal and cultural shift since Cruzan
 - Now trust discretion and judgment of surrogate

Take home message

- Advance care planning doesn't resolve all problems with end of life care
- Can facilitate discussions when critical decisions must be made