



Psychiatry & Behavioral Science - 2017

I37 The Dangerous Patient: Is It Ever Ethical Not to Give Informed Consent?

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After attending this presentation, attendees will: (1) understand what informed consent is and why it is important; (2) understand what ethical principles are related to informed consent; (3) understand the ethical model of dialectical principlism and how it can resolve dilemmas; and, (4), appreciate and understand when informed consent may cause significant harm.

This presentation will impact the forensic science community by showcasing an ethical model that can be used in various forensic settings to help the practitioner in resolving complex dilemmas.

The relevance of informed consent may be overlooked within the practice of psychotherapy. Although informed consent is generally thought of in regard to high-risk procedures such as surgeries, it is relevant to any situation in which the patient faces a medical treatment decision. This is true in health care decisions in which the risks or consequences of a treatment may not be as readily recognized. One such area especially important to consider related to patient autonomy in the psychotherapeutic setting is whether to give a patient fully informed consent as it relates to confidentiality and, specifically, the limits of confidentiality.

It could be argued that patients always have a right and ought to know at the outset of treatment the limits of confidentiality. This would inform them as to how their words and the information provided could be shared and, in some instances, used to infringe on their personal freedoms or liberties, such as involuntary hospitalization, gun prohibition, legal and professional consequences, etc. Yet, not giving full informed consent in certain situations may be the most protective action of the patient and/or third parties, thus trumping patient autonomy considerations.

Such scenarios include when patients may be considering dangerous actions, either to themselves or others. Ordinarily, practitioners may want to alert patients to the limits of confidentiality in any setting and respect their autonomy; but, when patients and others' safety is concerned, it can sometimes be of such importance to obtain the information that it warrants not warning patients in ways that might discourage them from sharing the dangerous actions that they are contemplating.

Such situations are complex in that they pit various ethical principles, such as beneficence, non-maleficence, and autonomy, against each other. Dialectical principlism is an ethical model designed to assist in analyzing and resolving such dilemmas. Dialectical principlism operates by laying out all the principles at play, prioritizing and weighing with special consideration of primary versus secondary duties of the particular role, balancing these principles against one another given the specific context, in order to determine how one may act most ethically. This model allows for variability in that not everyone will come to the same conclusion utilizing it.

The psychiatrist is faced with a serious challenge of whether or not to give full informed consent to a patient when there is suspicion that he or she is a danger to either one's self or others. Dialectical principlism provides a framework that the psychiatrist can use to be more equipped to make an informed determination of how to act that is consistent with his or her unique set of values and what is most ethical for the individual.

Ethics, Danger, Informed Consent