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### **Conservation of autonomy: The use of “preservative deferral” as a novel option in decision making capacity challenges**

Estimates place the prevalence of incapacity among inpatients to range from an astounding 26.7-40% of patients. A review of capacity determinations across clinicians found poor consistency within and across psychiatric specialties. This disturbing lack of consistency poses a significant risk for violation of the ethical principle of patient autonomy. As far back as Hippocrates, any potential risk to autonomy has traditionally been dismissed in paternalistic favor of beneficence. This balance between the perceived conflict of patient autonomy and beneficence is shifting as society demands more of its institutions to uphold democratic ideals of informed consent and individual liberty. Thus, it is imperative to revisit the approach to capacity determination, in which much has been written about the procedure, but little about appropriateness and outcomes. This presentation reviews evolving ethical, legal, and medical concepts to provide an integrated foundation for a novel approach to capacity. Introducing the concept of a “preservative deferral”, the clinician will consider deferral of the formal challenge on the basis of assessments of thoroughness of disclosure, appropriateness of alternatives, attempts at collaboration, and practicality of challenging decision-making capacity to achieving goals. Through implementing this prior to the capacity challenge, the clinician may assist the patient and medical team in a supportive decision-making model conserving autonomy rather than propagate the traditional adversarial model of beneficence vs. autonomy.

### **Biography**

Omar Mirza is a board certified Consultation Liaison Psychiatrist and Assistant Clinical Professor of Psychiatry at Mount Sinai Hospital Icahn School of Medicine in New York City. He completed his Psychiatry Residency training at SUNY Downstate and a fellowship in Psychosomatic Medicine at St. Luke's-Roosevelt Hospital Center. He has specific interest in liaison and works in such capacity with the Recanati/Miller Transplantation Institute. His career's emphasis is on exploring ethics in psychiatry.

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