

End-of-life Medical Decision-Making in Patients with Diminished capacity

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Abstract

An essential element in promoting health and wellness in later life is assuring patients that they will still be able to make decisions regarding their medical care. The age-old doctrine on Informed Consent embodies this pivotal principle and helps distinguish between provision of needed medical services and the legal crime of assault. This doctrine becomes more difficult to implement, however, if patients lack sufficient decisional capacity when care decisions must be made.

In a number of countries, most prominently the United States, various mechanisms – collectively described as advance directives – have been created to ensure that patients' preferences about the care they receive are made clear to their health care providers, even when those patients can no longer communicate those preferences directly. These mechanisms generally indicate which medical procedures the patient wants (or does not want) or alternatively designates some person to make these decisions when the patient cannot do so and are prepared before the patient loses capacity.

This project examines an experiment in educating medical students about these mechanisms, which prioritizes patient autonomy over their professional prerogatives in prescribing treatment for their patients. The presenting author taught the basics of these mechanisms separately to medical students and law students and then brought these two groups together, along with a practicing physician, to work in teams on real-life situations involving when, and to what extent, these directives should guide treatment decisions.

Biography:

Richard L. Kaplan (J.D., Yale University) holds the Guy Raymond Jones Chair in Law at the University of Illinois in Champaign, Illinois, USA. He is the founding faculty advisor of The Elder Law Journal, the oldest publication in the world devoted to Elder Law, and the co-author of the handbook, ELDER LAW IN A NUTSHELL (West Academic Publishing, 2019), now in its 7th edition, as well as numerous articles in legal and medical journals dealing with the financial and legal implications of extended longevity. He is an elected member of the national Academy of Social Insurance

Speaker Publications:

1. "Politics and the American press: The rise of objectivity, 1865-1920"
2. "The news about new institutionalism: Journalism's ethic of objectivity and its political origins"
3. "The Origins of Objectivity in American Journalism"
4. "Between mass society and revolutionary praxis: The contradictions of Guy Debord's Society of the Spectacle"
5. "American journalism goes to war, 1898–2001: A manifesto on media and empire"

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