UNIT 1: APPROACH TO THE PATIENT

Educational Topic 6: Legal and Ethical Issues in Obstetrics and Gynecology

Rationale: Recognizing and understanding the basis of legal and ethical issues in obstetrics and gynecology will promote quality patient care and patient safety.

Intended Learning Outcomes:

A student should be able to:

- Explain the following legal/ethical issues:
  - Informed consent
  - Confidentiality
  - Advance directives for healthcare
  - Screening and reporting of suspected child abuse, sexual abuse and intimate partner violence
- Discuss the legal and ethical issues in the care of minors
- Apply a systematic approach to ethical dilemmas based on ethical principles
- Describe issues of justice relating to access to obstetric-gynecologic care
- Recognize his/her role as a leader and advocate for women
- Recognize the ethical issues of other specialties and disciplines as they relate to women's healthcare

TEACHING CASE

CASE: A 33 year-old G2P1 woman presents to your office at 33 weeks of gestation for her scheduled prenatal visit and discussion of mode of delivery. She reports no problems. Her psychosocial history is significant only in that her husband is a well-known baseball player. Her prior pregnancy resulted in a Cesarean delivery with a transverse uterine incision. There were no complications associated with the delivery. Her physical examination reveals normal blood pressure and weight. Fundal height, fetal position, and heart rate are unremarkable. Her diagnostic test results show Hgb: 12.4 g/dL; WBC: 11,000; Urinalysis: negative for bacteria and leukocytes; and urine drug screen: negative.
COMPETENCY-BASED DISCUSSION & KEY TEACHING POINTS:

Competencies addressed:

- Patient Care
- Medical Knowledge
- Interpersonal and Communication Skills
- Professionalism
- Systems-Based Practice

1. What would you tell this patient regarding her options for delivery?
   - Trial of labor after a Cesarean delivery (TOLAC) for a vaginal birth after a Cesarean delivery (VBAC)
   - Schedule repeat Cesarean delivery

2. How does the underlying ethical principle of autonomy impact your counseling of this patient?
   - Autonomy or self-determination – requires respect for patient’s right to make decisions, which affect her. The patient makes her own decision regarding TOLAC vs repeat Cesarean delivery, even if you would recommend one or the other.

3. How does the underlying ethical principle of beneficence/non-maleficence impact your counseling of this patient?
   - Beneficence/Non-maleficence - requires that the provider acts in a way that will benefit the patient and will not harm her. This principle may conflict with the principle of autonomy if the provider believes that performing a repeat Cesarean delivery may harm the patient (increased risk of hemorrhage, infection) but the patient wants a repeat Cesarean.

4. How does the underlying ethical principle of justice impact your counseling of this patient?
   - Justice requires that patients be treated equally and that resources are divided equally. The fact that the patient’s husband is a well-known athlete cannot drive the provider’s recommendation for date/timing of Cesarean delivery.

5. What is the role of the physician in informed consent?
   - Establish a relationship conducive to sharing information and trust
   - Be certain the patient is well-informed and when appropriate, her partner is too
   - Ensure the patient has, under ordinary circumstances, reasonable time to think about the information provided by the physician
   - Be open to questions from the patient and the patient’s partner
   - Document the process as well as the decision

6. What topics might be included in an informed consent at this time?
   - Management of labor and associated risks
   - Management of Cesarean delivery and associated risks
   - Benefits and alternatives of each option
   - Any questions the patient or her family may have
7. What should be done if the patient declines a trial of labor after a history of low-transverse Cesarean delivery (TOLAC)?

- The patient should be supported in her decision and all efforts made to achieve a successful outcome for mother and baby.

REFERENCES


ACOG Committee Opinion Number 390, Ethical Decision making In Obstetrics and Gynecology, 2013.


NIH Consensus Development Conference on Vaginal Birth After Cesarean: New Insights