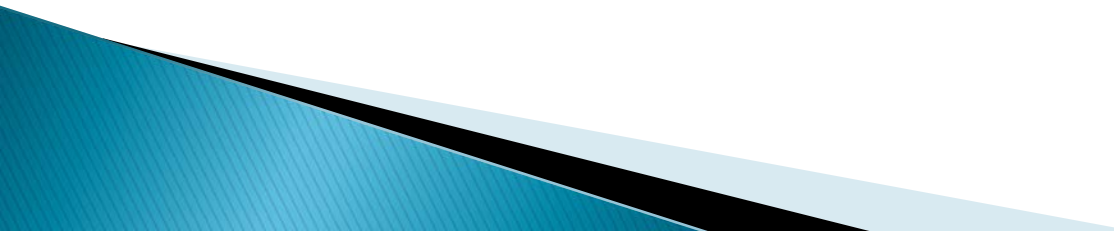


Teen Patients: Your Ethical and Legal Responsibility

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Teen Patients: Your Ethical and Legal Responsibility

- ▶ No Conflicts to Report
 - ▶ Do not reflect the views of the Arizona Attorney General's Office
 - ▶ Not Legal Advice
- 

Teen Patients: Your Ethical and Legal Responsibility

Respect for Autonomy

Adults: almost unfettered latitude to make their own healthcare decisions



Children: the ultimate decision is almost always left to an adult

Teen Patients: Your Ethical and Legal Responsibility

RATIONAL

1. Lack decisional capacity
2. Family (Parents) must live with the consequences
3. Immaturity
 - A. Experience
 - B. Developmental



Teen Patients: Your Ethical and Legal Responsibility

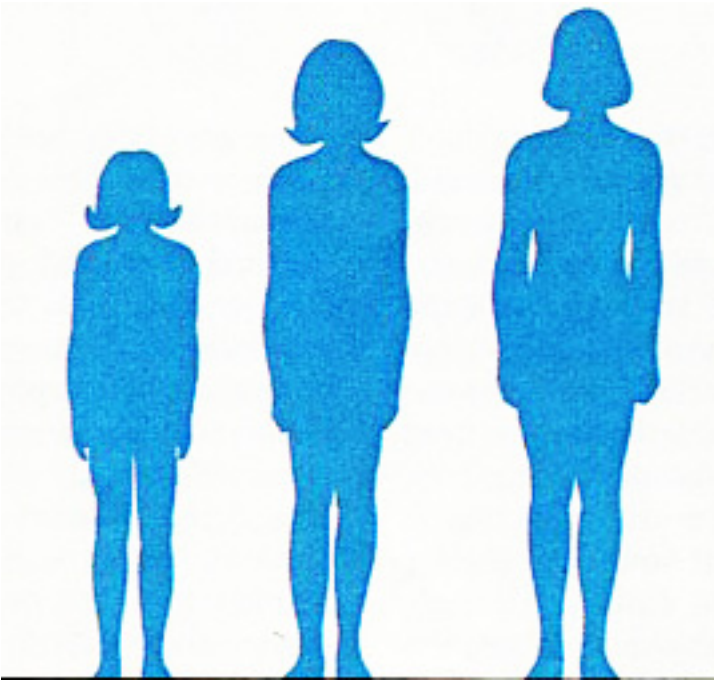
DECISIONAL CAPACITY

1. Understand the alternatives and their likely consequences
2. Weigh these alternatives and likely consequences to reach a reasonable/rational decision
3. Communicate the decision



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Legal Standard



Children (minors)
Birth until 18th Birthday

Teen Patients: Your Ethical and Legal Responsibility

Legal Standard

Children (minors): Birth until 18th birthday

Adult: 18th birthday and beyond



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REAL WORLD

Infants



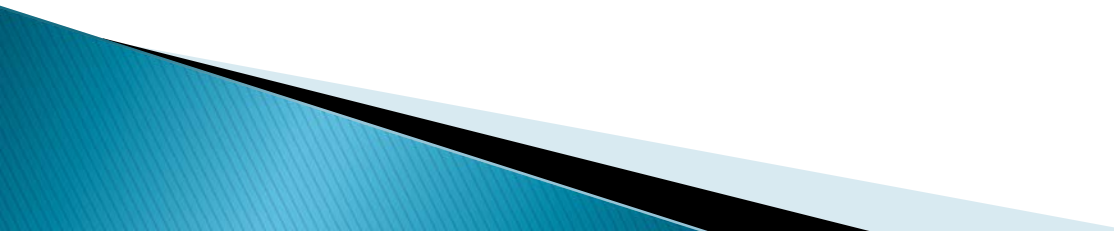
Toddlers



Pre-Teens



Teenagers



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PIAGET'S STAGES OF COGNITIVE DEVELOPMENT

1. Sensorimotor (birth to age 2)
2. Preoperational (2 through 6–7)
3. Concrete Operations (6–7 to 11–12)
4. Formal Operations (11–12 through adulthood)



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FORMAL OPERATIONS

Can apply logical reasoning process to abstract ideas as well as concrete objects and situations

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FORMAL OPERATIONS

- *Abstract reasoning
- *Consider variables
- *Proportional reasoning
- *Idealism



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Decisional Capacity is necessary, but not sufficient in cases of pediatric patients.

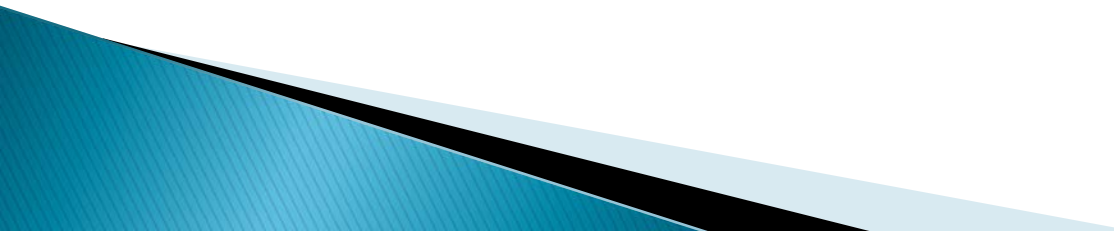


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Parents' interest in childrearing

Parents' role in helping to define their child's wellbeing and conception of good

Child's need to gain skills and virtues necessary to make important decisions



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“PARENTAL AUTONOMY, CONSTRAINED BY RESPECT FOR THE CHILD’S DEVELOPING PERSONHOOD.”

Lainie Freedman Ross, *Children, Families, and Health Care Decision Making*, Oxford Univ. Press
1998

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Skills and virtues necessary and adequate for medical decision making are actually on a continuum

Nature of the consequences of the decision should be a consideration

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AMERICAN ACADEMY OF PEDIATRICS,
Committee on Bioethics

“Informed Consent, Parental Permission,
and Assent in Pediatric Practice”

1995, *Pediatrics*, 95(2):314–317



Teen Patients: Your Ethical and Legal Responsibility

Empirical data suggest adolescents (Esp. 14+) may have as well developed decisional skill as adults.

Confidentiality and privacy considerations suggest appropriate discussion with adolescent patients and permission before involving parents.

In some cases physicians may need to seek formal legal adjudication of disputes between adolescent patients and their legal guardian.



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CONSEQUENCES

- ▶ Financial
- ▶ Emotional



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MATURITY

Neuro-Development

Roper v. Simmons, 543 U.S. 551 (2005)

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MATURITY

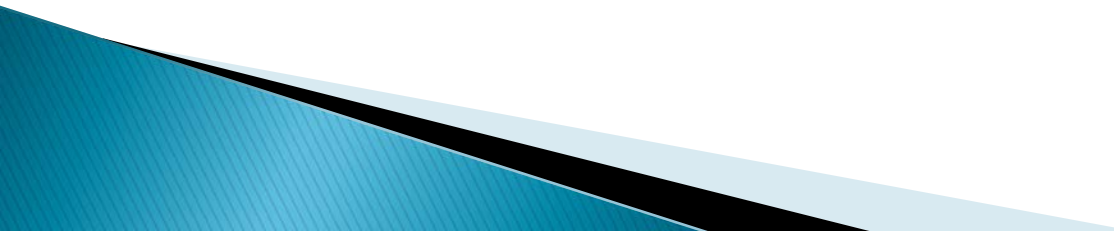
Neuro-Development

Roper v. Simmons, 543 U.S. 551 (2005)

Graham v. Florida, 560 U.S. 48 (2010)



Teen Patients: Your Ethical and Legal Responsibility

- ▶ Experience
 - ▶ General life experience
 - ▶ Experience in health care system
- 

Teen Patients: Your Ethical and Legal Responsibility

LEGAL EXCEPTIONS:

- ▶ Emergency Care



Teen Patients: Your Ethical and Legal Responsibility

LEGAL EXCEPTIONS:

- ▶ Emergency Care
- ▶ Emancipated Minor



Teen Patients: Your Ethical and Legal Responsibility

LEGAL EXCEPTIONS:

- ▶ Emergency Care
- ▶ Emancipated Minor
- ▶ Special Medical Cases



Teen Patients: Your Ethical and Legal Responsibility

SPECIAL CASES

- ▶ Psychiatric Conditions
- ▶ Substance Abuse
- ▶ Communicable Diseases
- ▶ Birth Control



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- ▶ GUTTMACHER INSTITUTE
(guttmacher.org)

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MATURE MINOR DOCTRINE

- ▶ Legislation or court opinions recognizing Mature Minor Doctrine
 - ▶ Arizona
- 