



Ethical and legal aspects in anesthesiology, ethical and legal issues, an overview

Aspectos éticos e legais em anestesiologia, questões éticas e legais, uma visão geral

DOI: 10.56238/isevjhv3n2-010

Receipt of originals: 08/03/2024

Publication acceptance: 03/28/2024

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ABSTRACT

Introduction: The practice of anesthesiology plays a crucial role in medicine, ensuring the comfort and safety of patients during medical and surgical procedures. However, this specialty faces several ethical and legal challenges. This article provides an overview of these issues, considering the importance of respecting patient autonomy and complying with legal standards. **Methods:** To conduct this review, the following descriptors were used to search the PubMed and MEDLINE databases: "Anesthesiology", "Ethical", "Questions", "Aspects", "Legal". These descriptors were combined using the Boolean operator AND to ensure the accuracy of the search. Initially, 165 relevant studies were identified. After excluding duplicates, editorials, and

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incomplete articles, 122 articles were considered for analysis. The final selection included the complete reading of 24 articles, of which 13 were considered relevant to compose this review. Results: Anesthesiologists face complex ethical dilemmas, from obtaining informed consent to making decisions in emergencies. In addition, there are concerns about the fair distribution of resources and the balance between risks and benefits. In the legal realm, there are comprehensive regulations related to professional liability, documentation of procedures, and use of medications and equipment. Conclusion: The practice of anesthesiology requires a solid understanding of the ethical and legal aspects involved. It is essential to respect the patient's autonomy by obtaining their free and informed consent. Constant ethical reflection and compliance with legal regulations are key to ensuring the provision of high-quality care.

Keywords: Anesthesiology, Ethical aspects, Legal aspects.

INTRODUCTION

In medical practice, anesthesiology plays a key role in ensuring the comfort, safety, and well-being of patients during surgical and medical procedures. However, behind this crucial medical specialty, there are several ethical and legal issues that permeate their practices. In this article, we will address an overview of the ethical and legal aspects in anesthesiology, exploring the challenges and dilemmas faced by professionals in this area (SANTOS, 2013; NETO et al. 2000).

In an environment where the lives and health of patients are at stake, it is essential for anesthesiologists to be aware of the ethical considerations governing their practice. From obtaining informed consent to making difficult decisions in emergencies, anesthesiology professionals face a variety of complex ethical issues. In addition, there are concerns related to the fair distribution of resources, the relationship between risks and benefits, and respect for patient autonomy, which require constant ethical reflection (UDELSMANN, 2006; MENESES, 2001).

At the same time, anesthesiology is subject to a comprehensive legal framework, which aims to protect both patients and healthcare professionals. Laws related to anesthetic practice cover a variety of areas, including professional liability, recording and documentation of procedures, and regulation of the use of medications and equipment. Understanding these legal issues is critical to ensure compliance with professional standards and to avoid potential litigation (SANTOS, et al. 2013; FILHO et al. 2018).

Through this analysis, we seek to provide a comprehensive view of the ethical and legal issues that permeate the practice of anesthesiology. By understanding these aspects, healthcare



professionals can improve their decision-making, promote respect for patients' rights, and ensure the delivery of high-quality care within an ethical and legally sound framework.

METHODOLOGY

This is a narrative review of the literature, which was done by determining the following descriptors by the MESH (Medical Subject Headings) platform and the following descriptors can be obtained, which were joined by the Boolean operator AND: "Anesthesiology", "Ethical", "Questions", "Aspects", "Legal". The search was carried out on the PUBMED targeting platform, which indexes the MEDLINE database (Online System for Search and Analysis of Medical Literature). First, 165 studies were found. After this first stage, 24 duplicate articles, 8 editorials and 11 incomplete articles were excluded, leaving 122 articles to be analyzed. At this stage, the titles and abstracts of these 98 articles were read, as they did not fit the theme of the article. Subsequently, the 24 selected articles were thoroughly read, and 7 were selected to compose this review.

RESULTS AND DISCUSSION

We selected 7 articles published between 2016 and 2023 that met the criteria listed above to compose chart 1, in order to summarize and succinctly expose the largest possible amount of information about ethical and legal aspects in anesthesiology.

The anesthesiologist must master specific legal knowledge to treat these patients. Must master specific legal knowledge to assist these patients. Understanding how the law and the Federal Council of Medicine deal with this issue is essential to know how to act within this context. Thus, based on decisions handed down by the Brazilian Judiciary, the Constitution, the Penal Code, the Code of Medical Ethics and resolutions of the Federal Council of Medicine (CFM), they have developed a protocol for anesthesiological care of Jehovah's Witnesses who need transfusion.

TITLE	AUTHOR, YEAR	OBJETICVES	RESULTS	CONCLUSIONS
Ethical, legal aspects and their interfaces regarding dying	ALVES, et al. 2016.	Address the importance of medical management in the face of death. It presents the importance of caring for human life, its moral and ethical aspects in one of its most painful moments, "dying". And clarify bioethics about dying through the concepts of euthanasia, dysthanasia and orthothanasia.	Doctors are unanimous in agreeing that palliative care increases the patient's quality of life, but only half of them stated that they adopt this procedure, due to the lack of training of health professionals, mainly because it is a topic little covered in academic training.	It demonstrated that there is attachment among family members towards their loved one, the death process should not be prolonged or painful, nor should it be accelerated by the doctor. As only doctors can confirm the diagnosis of death, they must also inform family members. Therefore, the family must find a message of relief and comfort from the doctor.

<p>Bioethical and legal principles of orthoethanasia: an integrative review</p>	<p>COSTA, et al. 2023.</p>	<p>Verify the ethical, scientific and legal bases relating to orthoethanasia, especially from a bioethical perspective.</p>	<p>The results demonstrated that this practice is challenging, especially in an intensive care environment, where health professionals do not feel supported in this situation.</p>	<p>Verify the ethical, scientific and legal bases relating to orthoethanasia, especially from a bioethical perspective. From this study, it was clear that this manuscript responded to the objectives set, which allowed the acquisition of information on the topic and provided a greater vision of the study.</p>
<p>Medical assistance in dying: ethical and legal issues</p>	<p>BATTIN, et al. 2023.</p>	<p>Focus on the ethical, social and legal aspects of medical assistance in dying (MAID), also known as physician-assisted death (PAD) and voluntary active euthanasia (VAE).</p>	<p>Cancer patients are the main users of VAE and/or MAID. Among the most commonly reported reasons for a MAID request are loss of autonomy, inability to participate in enjoyable activities, and loss of dignity.</p>	<p>It is concluded that MAID and/or VAE are legal in several countries. There are legal requirements between countries, including whether a terminal illness is required.</p>
<p>Between illness and death: "Euthanasia"</p>	<p>DUNÓN-PENICHE. 2020.</p>	<p>It addresses some relevant aspects such as the legal determination of death, the field of bioethical intervention, the terminology related to euthanasia, its classifications, international instruments for the promotion of human rights, as well as reflections on the importance of palliative care and the patient's right to Being in a terminal situation acts in accordance with their objectives, expectations and beliefs, in the context of their family and social relationships.</p>	<p>According to the World Health Organization (WHO), it states that the definitions of euthanasia are not precise and may vary from person to person, but with some elements in common. Euthanasia has essentially been treated by two philosophical currents based on science and religion.</p>	<p>It is necessary to find solutions that respond to the particularities of each culture and country. As this topic is a very sensitive and important topic, it deserves an ethical and legal debate, referring to the defense of human dignity and the concern that the practice of medicine maintains the humanistic sense that has characterized it.</p>
<p></p>	<p>SANTOS. 2021.</p>	<p>It proposes the analysis of the bibliographic production regarding the topic of Bioethics, in the form of articles, from the Brazilian Journal of Anesthesiology, between 1999 and 2009.</p>	<p>In the United States of America, in Oregon, active euthanasia is legal under the Death with Dignity Act, which establishes the requirements for requesting medications that end life in a humane and dignified manner.</p>	<p>Bioethics is still considered an ideal to be achieved, finding it difficult to apply in the daily practice of Anesthesiology. The need to carry out studies that address Anesthesia and</p>

			However, euthanasia in Mexico is criminalized.	Bioethics in a more specific way is highlighted, reflecting issues that involve both themes.
Bioethics and anesthesia: a reflective study of publications from the Brazilian Journal of Anesthesiology	CALLEGARI, et al. 2020.	Discuss the informed consent form (TCLE), understood as the patient's express or tacit approval to participate in a diagnostic or therapeutic procedure, which, however, is not mandatory for the anesthetic procedure.	It was observed that the most emerging theme refers to the ideals of Bioethics, highlighting the ideal of Principlism. And three ideals can be distinguished: Principlism, humanism and respect for the Code of Medical Ethics (CEM).	It is advisable that anesthesiologists adopt the ICF in their work practice, aiming both to support the professional and to protect the
	TAKASCHIMA, et al. 2019.	Establish a care protocol for Jehovah's Witness patients with an emphasis on the ethical and legal duty of the anesthesiologist.	It points out the need for periodic review of medical ethics codes. Therefore, secondly, the most susceptible medical specialty is Anesthesiology in the medical field. Therefore, considering the doctor-patient relationship, free and informed consent (TCLE) is necessary for the definition and/or performance of a diagnostic or therapeutic procedure.	autonomy of the patient, who can exercise their right to choose.

Source: Authored by the authors.

Unanimously, the articles highlight the critical importance of considering and addressing ethical and legal aspects in anesthesiology. By addressing these challenges in an ethical and legally responsible manner, healthcare providers can ensure the delivery of quality care while respecting the rights and dignity of patients.

Anesthesiology is an area of medicine that involves several ethical and legal aspects. The relationship between the anesthesiologist and the patient raises important questions that must be considered to ensure a safe and responsible practice.

Regarding ethical aspects, medical ethics requires anesthesiologists to respect the patient's autonomy and seek to obtain their free and informed consent before any anesthetic procedure. This consent should be obtained in full, informing the patient about the risks, benefits, and available alternatives. As mentioned by Callegari and Oliveira (2020), free and



informed consent is essential for patients to be able to make informed decisions about their health.

However, ethics also requires the anesthesiologist to maintain the confidentiality of the patient's information, respecting their privacy and medical confidentiality. This confidentiality is essential to establish a relationship of trust between physician and patient, as highlighted by Santos (2013).

Regarding the legal aspects, the practice of anesthesiology must be in accordance with the laws and regulations in force. The anesthesiologist must have the proper qualification and be registered with the competent bodies, thus ensuring the safety and quality of the care provided. In addition, the anesthesiologist must follow the standards established by the medical councils and other regulatory bodies.

Legal issues may also arise in specific situations, such as in the case of Jehovah's Witness patients who oppose blood transfusions. In these cases, the anesthesiologist must be prepared to deal with this situation ethically and legally, respecting the patient's beliefs and ensuring their safety, as mentioned by Takaschima et al. (2019).

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An overview of the ethical and legal aspects in anesthesiology reveals the importance of responsible and ethical practice, ensuring respect for patient autonomy, obtaining free and informed consent, confidentiality of information, and compliance with laws and regulations. These issues should be constantly discussed and reflected upon by professionals in the area, always aiming at the patient's well-being and excellence in the provision of anesthetic care.



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CONCLUSION

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This consent should be obtained in full, informing the patient about the risks, benefits, and available alternatives. Free and informed consent is essential for patients to be able to make informed decisions about their health.



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