Medical Board of Trinidad and Tobago
Code of Ethics in the Practice of Medicine

The scope of Bioethical Principles

**Autonomy**

The principle of autonomy upholds the patient’s right to self-determination. An autonomous person has the capacity to think, decide and reason for themselves and is able to act on those thoughts. As medical practitioners we have a duty to respect a patient’s autonomy. This principle is central to the concept of informed consent and confidentiality.

**Informed Consent**

It is the responsibility of physicians to ensure that patients are adequately informed about their medical condition and management plan. This requires that the physician give the patient all relevant information (risks, potential benefits, and alternative treatment) in a manner that the patient understands.

In the case of the emancipated minor the consent of the parent(s) is not required.

In emergency situations, where the probability of harm from lack of treatment outweighs the probability of harm from treatment itself and the patient is not able to give informed consent, the attending physician may perform the necessary treatment without the prior consent of the patient, once this action is in the best interest of the patient.

In situations where consent is not obtained for procedures such as
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examination, investigations or treatment, the physician is at risk of prosecution for battery by a court of law (criminal law) or a civil lawsuit for the tort of battery

Capacity and Competence

Capacity is a term used to denote the ability to make decisions. It requires understanding the information related to the decision; being able to appreciate the significance of the decision; retain and evaluate the information and communicate the decision. Competence is a legal construct, and capacity is a test of competence.

Diminished Autonomy

Special precautions should be put in place to protect patients with impaired capacity or diminished autonomy. At all times however, the principle of respect for personhood requires that the person’s views be taken into account.

Patients with diminished autonomy include:

- Persons who cannot give informed consent because of lack of cognitive maturity.
- Persons who have diminished decision-making capacity.

Where a person has diminished autonomy, a surrogate decision maker (guardian/judicial) is needed.

The Medical Board of Trinidad and Tobago endorses The United Nations Declaration of Human Rights a document adopted by the UN General Assembly in 1948, to ensure that the rights of every individual is recognized and observed.

Confidentiality

A physician has a duty to keep his patient’s information confidential. This duty continues until after death, however in certain circumstances, the duty is overridden by considerations of the public interest. These include:
• If a patient because of their medical condition is considered to be a danger to themselves or another (e.g. highly infectious or communicable disease), then the physician has a duty to warn the at-risk person(s).

• If a patient's medical information has to be shared with health care providers in order to facilitate that patient’s care.

• If there is a statutory requirement to notify (e.g. Occupational Safety and Health Act, gunshot wounds).

In maintaining physician-patient confidentiality, special attention should be given to securing patients records against any third party.

The patient's consent should be sought prior to sharing medical information.

**Equity, Respect and Non-discrimination**

• Physicians should not discriminate against patients on the basis of age, colour, culture, disability, ethnic or national origin, gender, lifestyle, marital or parental status, race, religion or beliefs, sex, sexual orientation, or social or economic status.

• Where a physician's personal values (religious or moral beliefs) influences their practice of medicine, for example, the physician is not able to advise the patient appropriately or carry out a procedure that the patient needs or wants, then the physician should disclose this information to their patient and advise them of their right to see another physician. If necessary the physician should arrange for the transfer of care to another suitably qualified physician.