

9. Ethical and legal considerations

Regardless of a nation's social, cultural or religious traditions, emergency care should be based on certain universal principles.

Professionalism

All health-care providers, whether working in a hospital, clinic or at the scene of an emergency, have an ethical obligation to act in the best interests of their patients. It is also important for health-care professionals to respect the limits of their training by not attempting procedures they are unqualified to perform. The only time exceptions should be made to this rule are during a major disaster or an event causing large numbers of casualties, when the need for care may overwhelm immediately available resources. In these cases, prehospital providers must focus their efforts on saving those who have the highest likelihood of surviving. Sometimes this may require providers to perform life-saving procedures that would otherwise be outside the scope of their usual practise.

Autonomy of the patient

Patients who are mentally competent and able to make decisions should not be forced to accept treatment or transport against their will. If treatment involves significant risk (for example, transport to a distant facility), these risks should be explained to patients in language that they can readily understand. Patients cannot make informed decisions about whether to accept care without knowing how serious their condition is, the anticipated risks and benefits of treatment, and whether there are any alternatives to treatment. The only time that informed consent may not be required is when patients are too young, too ill, too injured or too mentally impaired to exercise independent judgement. In these circumstances, rescuers should presume consent and provide care.

Confidentiality

In the course of providing emergency care, providers may learn information that if disclosed could cause the patient emotional distress or even result in physical harm. Health-care personnel must respect their patients' rights to confidentiality. Exceptions

should only be made if a patient clearly expresses an intention to harm others or to harm himself or herself. Prehospital care providers should also respect the confidentiality of bystanders who gave first aid or anyone who called for help.

Neutrality

In areas where there is, for example, gang violence or civil disorder, the simple act of providing prehospital care may place rescuers in danger. This may be true if aiding a particular victim is seen as “taking sides” in the conflict and prompts retaliation against the rescuers. Bystanders and health-care workers should be considered by all parties to be acting neutrally and allowed to give aid without it being construed by either side as a political act.

Immunity

In some cultures, rescuers whose attempts to give aid are unsuccessful risk being held morally and even legally responsible if a patient dies or is left with a permanent disability. Although prehospital care improves the odds of survival, it does not guarantee it. Holding individuals responsible for poor outcomes in the challenging setting of prehospital care is not only unfair but it is also highly unwise because bystanders and health-care workers may be deterred from attempting to help those who need care. Unless there is compelling evidence of gross negligence, wilful disregard for the patient’s welfare or clear evidence of abuse, emergency personnel should not be punished for poor outcomes. This is the best way to encourage prehospital care providers to act decisively to save lives and reduce disability (Box 14).

Box 14. Caring for injured people: legal immunity in India

Parmanand Katara v. Union of India; Supreme Court of India, case number 286, 1989

In this judgement, the Supreme Court of India ruled that the state has an obligation to preserve life, and that it is the professional obligation of doctors, public or private, to provide immediate care to injured people. Additionally, the court noted that the effort to save a person’s life should be the top priority not only of medical professionals but also of anyone (such as police or bystanders) who is present at the scene of an accident. This ruling allows citizens to help acutely injured people without fear of unnecessary legal harassment.