The Other Foot

In the *Legal Liability* section of this issue (page 1764), Dr. Richard Goodman presents an intriguing idea that he calls "informed request." He feels that any patient seeking medical care has established an implied contract, and that the "... patient is requesting (his) surgery ..." as part of the contract. The patient does this as part of his "... requested treatment for a medical problem ..."

I agree with Dr. Goodman that it is semantically more accurate to consider the patient an active participant in the decision-making process regarding his diagnosis and treatment. It is also good medical practice. I would hope that the legal profession, and especially the courts, would embrace this concept of the physician-patient relationship.

I suspect, however, that the byword is "informed." Whether a patient requests or consents to a diagnostic or therapeutic invasive procedure, he must still make the request or give the consent based on reasonable medical information. The information must be presented to him by the physician in terms that the patient can use to make a rational decision. I do not think the courts will change this requirement.

I would ask Dr. Goodman one question: Are we removing the tight shoe of informed consent from the surgeon’s foot and attempting to fit it to the patient, or are we just transferring it to the surgeon’s other foot?

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