Advance Care Planning: Ethical Problems and Recommendations

Rebecca Dresser, Washington University Law School

Complex Patient Populations

* Conditions in which cognitive and physical decline occurs over long periods

- * Dementia as prime example
- * Growing numbers, common concern

Dementia Directives

- *To refuse life-sustaining medical interventions
- *To refuse feeding by mouth
- *To receive life-ending drugs

Conflicting Interests

- *Potential discrimination against later self
- *Respect for individual autonomy vs. protection for people with disabilities

Reasons to Limit Directives

- *(1) barriers to informed choice;
- *(2) deficiencies in ability to predict quality of life with dementia; and
- *(3) potential harm to people living with dementia.

Informed Choice Problems

- * Too many potential interventions
- * Negative stereotypes about dementia
- * Failure to understand dementia from patients' perspectives

Affective Forecasting Errors

- * Tendency to overestimate negative impact of illness on subjective well-being
- Perspectives gap between people with disabilities and nondisabled people
- * Dementia as transformative experience

Challenging Advance Directives

- * Changing selves over time
- * Changing interests over time
- * Deprivation of opportunity to revise preferences in light of new situations

Binary View of Capacity and Decision Making

- * Dissent and Assent: Decisionally Impaired People Have a Role in Medical and Research Choices
- * Surrogates Report Consultation with People Affected by Dementia: "Dual Decision Making"
- Supported Decision Making Allows People with Intellectual Disabilities to Make Choices

Recommendations

- Promote Better Understanding of Our Potential Futures
- Recognize How Stigma Can Shape Individual Preferences, Professional Judgments, and Community Attitudes
- * Develop Approaches That Recognize Interests and Concerns of People with Dementia and Other Intellectual Disabilities