

The Legal And Ethical Dilemma In Caring For The Unknown Neurotrauma Patient

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Background

Patients that lack identification; are devoid of capacity to make their own medical decisions, have no family or friends to help make decisions on their behalf and have no advance directives are referred to as "unknown" at the accident and emergency unit of Mulago national referral hospital. This status deters their fundamental right to autonomy.

Objectives:

The study set out to investigate the current institutional and national legal framework for the care of the unknown patient at Mulago National Referral Hospital, identify the gaps in the legal framework and suggest solutions to improve the current setting.

Methods:

Review of the institutional policy on medical decision-making for the unknown patient
Review of the patients' charter; ministry of health Uganda

Results:

There is no institutional policy on medical decision making for the unknown patient; the patients' rights charter is followed.

The patients' rights charter mandates the health worker to make all medical decisions for the unknown patient in the emergency setting with no guideline for continued care.

Conclusion:

The unknown patient remains at risk of health rights violation.

There is no institutional or national legal and ethical infrastructure for caring for the unknown patient.

All the power to make medical decisions is left at the discretion of the health care provider.

Recommendations

Hospital ethics committee to regulate medical decisions for the incapacitated patient

Facilitation of the customer care department in the search for surrogates

Passage of the patients' rights charter into a bill

Sensitization of the population on health rights