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ETHICAL AND LEGAL CHALLENGES IN THE MEDICAL CLINIC

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Abstract: Ethical and legal challenges in clinical medicine represent a complex and dynamic area of contemporary healthcare practice. From issues related to informed consent and patient privacy to ethical dilemmas about fair distribution of resources and end-of-life decisions, healthcare professionals face a variety of moral and legal dilemmas. Furthermore, technological advancement in medicine, such as artificial intelligence and gene therapies, adds additional layers of complexity, requiring a deep understanding of the ethical and legal implications of these innovations. Ensuring ethical and legally compliant clinical practices requires physicians to constantly commit to ethical reflection, updating professional regulations and standards, and a patient-centered approach. Addressing these challenges responsibly is essential to ensure quality, safety and respect for patients' rights in the provision of healthcare.

Keywords: Medical ethics. Legal medicine. Medical clinic.

INTRODUCTION

The practice of medicine is intrinsically permeated by a series of ethical and legal challenges that healthcare professionals face daily. As they seek to provide the best possible care to patients, doctors are often faced with complex moral dilemmas, where issues such as patient autonomy, beneficence, non-maleficence and justice must be carefully weighed¹. Furthermore, technological advancement and changes in healthcare policies add additional layers of complexity, creating a dynamic landscape where ethical and legal decisions can have significant implications for the quality of care provided and doctor-patient relationships².

One of the main ethical challenges in clinical medicine is balancing patient interests and resource limitations, especially in resource-

limited healthcare systems. Fair allocation of scarce resources, such as organs for transplant or intensive care unit space, raises complex questions of equitable distribution and maximizing benefit to society². Furthermore, the growing demand for transparency and accountability in resource distribution emphasizes the need for clear ethical policies and transparent decision-making procedures³.

Another crucial aspect is informed consent, where doctors must ensure that patients fully understand the risks, benefits and alternatives of a proposed treatment before they consent¹. However, issues arise when patients lack capacity to consent, whether due to mental illness, cognitive disability, or medical emergencies. In these cases, doctors face the challenge of making decisions on behalf of the patient while respecting their autonomy and best interests².

In addition to ethical challenges, medical practice is also shaped by a complex legal system that regulates the behavior of healthcare professionals and protects the rights of patients¹.

Compliance with regulations, such as maintaining adequate medical records and protecting patient confidentiality, is essential to avoiding litigation and protecting professional integrity³. However, rapid changes in legislation and medical litigation cases often challenge doctors to stay current and adapt their practices to ensure legal and ethical compliance¹.

Balancing medical ethics, legal obligations and patients' needs is essential to ensuring the provision of high-quality healthcare and maintaining public confidence in the medical profession². Balancing medical ethics, legal obligations and patients' needs is essential to ensuring the provision of high-quality healthcare and maintaining public confidence in the medical profession³.

METHODOLOGY

This is an exploratory bibliographic review, organized through an integrative literature review. The collection of scientific data and the systematization of information come from scientific productions published from 2007 to 2020, in Portuguese and English, indexed in the Virtual Health Library (VHL), Scientific Electronic Library Online (SCIELO) and Google Scholar. The collection of information used in the development of the work was based on the proposed theme, as well as its objectives.

RESULTS AND DISCUSSION

Discussing the ethical and legal challenges in the practice of medicine is fundamental to understanding the complexities involved in providing healthcare. In this context, seven key points can be highlighted for a comprehensive discussion¹.

However, this process can be complicated in situations where patients do not have the capacity to consent, such as in cases of medical emergencies or cognitive impairment². However, this process can be complicated in situations where patients do not have the capacity to consent, such as in cases of medical emergencies or cognitive impairment¹. Doctors face the challenge of balancing protecting patient autonomy with the need to make decisions in their best interests⁴.

Fair Distribution of Resources: In health systems with limited resources, such as ICU beds and organs for transplantation, ethical challenges arise related to the equitable distribution of resources³. To decide who receives priority access to expensive or scarce treatments can create moral dilemmas for doctors, who must consider principles of justice and maximizing benefit to society⁴.

Patient Confidentiality and Privacy: Protecting patient confidentiality and privacy is essential to building and maintaining trust

in the doctor-patient relationship³. However, the exchange of health information between healthcare professionals, the need to share data to coordinate care, and issues related to cybersecurity pose challenges to maintaining the confidentiality of medical data⁵.

Professional Relationships and Conflicts of Interest: Physicians must avoid conflicts of interest that could compromise their professional integrity and patient care. This includes relationships with the pharmaceutical industry, potential financial conflicts of interest, and ethical considerations when participating in clinical research or disclosing medical information³.

Questionable Medical Practices and Risk of Litigation: Ethical issues may arise when doctors face pressure to prescribe unnecessary treatments, perform invasive procedures, or engage in questionable medical practices to avoid litigation or satisfy patient demands⁴. Medical ethics requires that professionals prioritize the best interests of patients and avoid practices that may compromise the quality of care⁵.

Euthanasia, Assisted Suicide and End of Life: Making decisions about the end of life is one of the most complex challenges in medical practice. Ethical and legal issues related to euthanasia, assisted suicide, palliative care and withdrawal of life support involve considerations regarding the relief of patient suffering, respect for patient autonomy and principles of non-maleficence³.

Technological Development and Ethics of Innovation: Technological advances in medicine, including genetic therapies, artificial intelligence and genome editing, present new ethical challenges related to safety, equity in access and responsibility for results. It is crucial that clinicians consider the ethical impacts of new healthcare technologies and innovations when incorporating them into their clinical practice¹.

Ethical and legal challenges in clinical practice are multifaceted and require a careful and reflective approach on the part of healthcare professionals. Understanding these challenges and adopting ethical practices are fundamental to ensuring the quality, safety and integrity of healthcare provided to patients⁵.

CONCLUSION

Ethical and legal challenges in clinical medicine represent a dynamic and multifaceted scenario that requires constant reflection on the part of health professionals. From

issues related to informed consent and the fair distribution of resources to complex end-of-life dilemmas and technological developments, medical practice is inextricably linked to decisions that have significant ethical and legal implications.

Therefore, it is essential that doctors commit to the highest ethical standards, seek constant updating on legal issues and, above all, put the best interests of patients at the center of their decisions, thus promoting a clinical practice that prioritizes quality, safety and respect for the rights and dignity of each individual served.

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