**Physics-Mechanics**

Name

Course code

Lecturer

June 6, 2023

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Major Elements of Informed Consent

Informed consent is a fundamental ethical principle in various fields such as medicine, research and law (Gossman et al., 2022). This ensures that people have the information they need to make independent and informed decisions about participating in specific activities and treatments. It is important to note that the specific requirements for informed consent may differ depending on the jurisdiction and the specific circumstances in which it is sought. Legal and ethical guidelines provide details and considerations for obtaining informed consent in various contexts. Key elements of informed consent typically include:

Firstly, *voluntary participation*, which means that informed consent requires that individuals give their consent voluntarily, without coercion, pressure or undue influence from others. They should be freed to choose whether or not they want to participate without facing the negative consequences of their decisions (Bhandari, 2021). Secondly, *capacity to consent* is where individuals must have the cognitive and legal capacity to understand relevant information, understand the consequences of their decisions, and communicate their choices. Ability depends on factors such as mental health, age and cognitive abilities. Thirdly, *disclosure* dictates that consent seekers are responsible for giving comprehensive and clear information about their treatments or activities. This includes the nature, purpose, benefits, risks, possible alternatives, and any other relevant details that may influence a person's decisions. Information should be presented in such a way that all persons can understand it.

Furthermore, *comprehension* means informed consent requires that the individual receives and understands the information provided (Siegle, 2015). They should be given the opportunity to ask questions, ask for more clarification and receive more information if necessary. It is important to ensure that the consenting person has a reasonable understanding of what they are consenting to. Additionally, *competence of the provider* has to be duly considered, as consent seekers must have the necessary knowledge and expertise to accurately describe the relevant information. This applies to health professionals, researchers and anyone responsible for obtaining consent. *Written consent* is another element of informed consent that is usually documented in writing, but oral consent may be sufficient in some cases (University of Oxford, 2021). Consent forms should include details of the activity or treatment, disclosure of information, confirmation of understanding and individual signature or other evidence of an agreement.

Moreover, the *right to withdraw* is another form of informed consent, and individuals should be informed that they have the right to withdraw their consent at any time without facing negative consequences. They should also be made to understand the possible limitations and consequences of withdrawal (Finegold & Singer, 2005). Continually, informed consent is an *ongoing process*, not a one-time event. Individuals should be kept informed and given the opportunity to reconsider their consent if there is a significant change in activity or treatment. Finally, *proxy consent*, is where a person is incapable of providing informed consent, in this case, an authorized legal representative (such as a family member or legal guardian) can provide consent on their behalf (Banja, 1986). Representatives must act in the individuals’ best interests and take into account any wishes previously expressed.

Breach of Client Confidentiality

Confidentiality is a fundamental ethical principle in interpersonal services, especially in fields such as therapy, counselling, psychology, and social work (American Psychological Association, 2017). However, in certain circumstances, human service providers may need to break common understandings of confidentiality.

Some of these examples include: *1)* *Legal Duty:* A welfare provider may have a duty to breach confidentiality if there is a clear and imminent risk of harm to the client or others. This includes circumstances involving violent threats, child abuse, elder abuse, or self-harm (suicidal thoughts). Laws and regulations, however, differ by jurisdiction, but generally, professionals have duties as authorized reporters and must inform the appropriate authorities to protect individuals from harm*. 2)* *Informed Consent:* Clients may give informed consent for limited breaches of confidentiality. For example, in some practice settings, it is common for clients to sign an agreement that allows the therapist to consult with other professionals involved in their care, such as teachers, doctors, or family members (Darby & Weinstock, 2018). This sharing of information is generally done with the express consent and understanding of the customer.

*3)* *Duty to warn:* A welfare service provider may have a duty to warn when there is a clear and specific threat of violence against an identifiable individual or group of clients (National Conference of State Legislatures, 2022). In such cases, the provider may be legally obligated to breach their clients’ confidentiality and notify potential victims or appropriate authorities so as to prevent harm. *4)* *Court-Ordered Disclosure:* In other cases, the courts may issue a court order or subpoena requiring a human service provider to disclose confidential information about their clients (Office for Civil Rights (OCR), 2008). While professionals generally strive to protect their client’s privacy, they may be legally compelled to comply with such orders. *5) Consultation and supervision:* Human welfare service providers often engage in consultations and supervision with their peers or supervisors to seek advice, thus ensuring best practices, and improving the quality of the care provided. Client information may be shared during these discussions, but every care is taken to protect customer identity and privacy.

The concept of duty to warn is an important ethical and legal consideration for health care professionals when working with HIV-positive patients. The duty to warn refers to the responsibility of health care providers to disclose information that may harm others or endanger the public health (CDC, 2021). In the context of HIV, this obligation primarily revolves around the obligation to inform those who may be at risk of contracting the virus from HIV-positive clients. The duty of care arose early in the HIV/AIDS epidemic, when effective treatments were scarce and knowledge about the virus was very limited. At the time, medical professionals faced the dilemma of balancing patient confidentiality with the need to protect public health. The task of warning has become an important component of HIV-related care to prevent further transmission and protect the health of others. Although our understanding of HIV transmission and treatment has advanced significantly over the years, the duty to warn remains important (Huynh & Gulick, 2020).

Compliance with this obligation is necessary to protect people who are unaware of their HIV infection and the opportunity to take preventive measures such as testing and access to appropriate medical services. The duty of care applies in situations where there is a foreseeable risk of HIV transmission, such as when an HIV-positive client engages in unprotected sex, sharing needles for drug use, or other behaviours that could expose others to the virus. In such cases, medical professionals are required to take the necessary steps to inform those who may be at risk(CDC, 2020). However, it is important to note that the duty of care must be treated with great care and respect for patient confidentiality. Health care providers must follow guidelines and laws regarding HIV disclosure, including obtaining informed consent from clients before providing information to people who may be infected with HIV. You should also provide adequate advice and support to your customers throughout the process. The duty of care serves as an important public health measure in relation to HIV. By following this ethical commitment, health professionals help prevent and control HIV infection, support early diagnosis and treatment of those at risk, and promote public health and well-being.

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