



## Administrative Medicine Part II Fellowship Examination 2012

### Case Study 2

2. You are the Medical Director of a major metropolitan tertiary hospital. It is the week between Xmas and New Year and you are at work hoping to catch up with all the paperwork that has accumulated throughout the year. Unexpectedly, you receive a phone call from the Director of your ICU. He indicates that he needs your assistance urgently.

A young adult male has recently been clinically assessed as 'brain dead' following a traumatic brain injury several days earlier. During the discussion with the attending next of kin, (who are the parents and a long standing girlfriend), the ICU consultant and the organ donation coordinator for your hospital have explained that death has been diagnosed and they have been asked to agree to organ donation. All of this has been handled very professionally and sensitively. The three attending family members indicated that they were happy to approve organ donation.

Unexpectedly, the girlfriend, supported by the parents of the patient, has indicated that she would like the hospital to also collect semen from her 'brain dead' boyfriend as she would like to have a child by him.

The ICU Director has indicated to the relatives that he has never had a request like this before and that he will need to seek advice from medical administration before he can comment upon this request. It is following this discussion with the relatives that he rings you, requesting your advice. He tells you that he thinks that sperm retrieval after death is banned in two states of Australia.

Unfortunately, you have never come across this situation before and your regular legal advisors are all on their festive season break and are unlikely to be contactable for at least 48 hours.

**What are the ethical and procedural issues raised by this scenario? Describe what immediate advice you would give the Director of ICU and how you would proceed.**



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#### Key Points for Examiners

#### Exam Question “An issue of consent”

Template for jottings of expectations, extra notes to assist Censors in jurisdictional differences etc. Whilst the candidate is providing her/his answer Censors will be considering the depth of demonstration of the RACMA competencies that are relevant.

Notes are neither ‘model’ answers, nor are they exhaustive in content.

Dimension	Important points that should be discussed:
1. Key issues	Patient autonomy and consent. Organ donation procedures. Resource management / funding. Cultural and religious issues especially if any of family are from minority or indigenous communities.
2. Answering the question	Candidate should provide a solid discussion of each of these nominated issues. Should highlight the difference between altruistic organ donation and sperm retrieval for impregnation purposes.
3. Answering the question – Part/issue 2	Discuss with experienced colleague. Local fertility services might have useful knowledge and probably good awareness of legal issues (but be aware of potential vested interests). While the patient’s views are known regarding general organ donation is there any documentation regarding sperm donation? Is there any evidence of the patient’s discussions regarding intended paternity? Is there any coercion of the girlfriend by parents? Testing for blood-borne viruses? Sperm viability? Who is next of kin? Can the girlfriend give consent on behalf of her boyfriend? Is there a clinical ethics review process / committee that can provide advice? Description of how legal advice can be obtained during holiday periods. If employer has no contingency plan, include medical indemnifier and Ministry.
4. Answering the question – Part/issue 2	Seek legal opinion – is the request congruent with state or national law? Are there guardianship issues?



5. Answering the question – part/issue 3	While solid organ donation is covered by usual hospital system, who is responsible for the costs of harvesting spermatozoa for use within the patient's family? Are the physical resources (harvesting, storage) available and who would fund?
6. Knowledge Medical management expert, scholar	Laws in candidate's jurisdiction - how to access permission, or withholding thereof - Knowledge of levels of responsibility Candidate may mention surgical procedures and organ preservation processes that need to be considered that may be different for sperm retrieval
7. Skills Manager, communicator	Negotiating with staff, discussing with family
8. Attitude/behaviours Collaborator, advocate, professional	Professional, Advocate