



Presidenza del Consiglio dei Ministri

NATIONAL BIOETHICS COMMITTEE

ADVANCE TREATMENT STATEMENTS

(18th of december 2003)

abstract

The term “Advance treatment statements” refers to documents in which individuals in full possession of their mental faculties express their wishes regarding the health care treatments that they would or would not want to undergo, in the event that, in the course of an illness or as a result of a sudden trauma, they were no longer able to give their informed consent or dissent.

The NBC, after drawing attention to the most important national and international literature regarding this subject, states that from an ethical point of view it raises no objections to the health care treatment statements. Against this consensus in principle, the NBC acknowledges that it is possible to have a number of reservations about the structure and method of implementation of these documents. The opinion concentrates, in particular, on the risks of abstraction and ambiguity in the statements; the operational instructions contained in them; their binding nature and their implementation.

The NBC believes that advance statements must not, in any way, be seen as a practice that could lead to or facilitate the logic of therapeutic abandonment; and they should be considered legitimate only when complying with the following general criteria:

- they should be public, include a date, and be drawn up in written form only by informed and autonomous persons of adult age and of sound mind and under no duress;
- they should not contain any instructions which carry out intentions of euthanasia, nor should they contradict the positive right and the rules of medical practice and professional ethics;
- they should guarantee the utmost personalised expression of the wishes of the future patient, and should not consist merely of the signature of a pre-printed form. They should not be written in a generic manner; therefore, the assistance of a physician to help write and countersign the statements would be highly appropriate.

The NBC believes that the legislature should intervene specifically on this subject; obliging physicians by law to take the advance treatment statements into consideration, clearly stating their non-binding nature, but, compelling physicians, whether they implement the statements or not, to provide a formal explanation for their decision in the medical records; the advance statements

could also designate one or more proxies to be consulted obligatorily by the physicians when taking decisions; and wherever the advance statements contain private and confidential information, the law must establish adequate procedures to regulate their careful management and consultation.