

# Contents

## Part I An Introduction to Informed Consent

1. Informed Consent: Framing the Questions, 3
2. The Concept and Ethical Justification of Informed Consent, 14

## Part II The Legal Theory of Informed Consent

3. The Legal Requirements for Disclosure and Consent: History and Current Status, 41
4. Exceptions to the Legal Requirements: Emergency, Waiver, Therapeutic Privilege, and Compulsory Treatment, 75
5. Exceptions to the Legal Requirements: Incompetence, 94
6. Legal Rules for Recovery, 130
7. Critical Approaches to the Law of Informed Consent, 146

## Part III The Clinical Setting

8. The Role of Informed Consent in Medical Decision Making, 167
9. Consent Forms: Documentation and Guidance, 188



10. Managed Care and Informed Consent, 208

11. Patients Who Refuse Treatment, 227

#### Part IV Consent to Research

12. The Independent Evolution of Informed Consent to Research, 249

13. Fulfilling the Underlying Purpose of Informed Consent to Research, 279

#### Part V Advancing Informed Consent

14. The Limits of Informed Consent, 307

15. An Agenda for the Future, 319

Index, 327