

***INFORMED CONSENT IN MODERN JURISDICTIONS
THE EXAMPLE OF ENGLAND: FROM A FLAK JACKET FOR
THE PROTECTION FROM LITIGATION TO SHARED DECISION
MAKING.***

In an era of patient's autonomy prevailing over medical paternalism in all areas of modern Health Law informed consent's concept plays a central role. From the patient's point of view, there are various philosophical, legal and medical reasons, which-according to the theory- explain the necessity of the provision of consent. From the doctor's point of view, the cooperation between him and the patient not only enhances the therapeutic process but also protects him from future litigation for medical negligence or-rarely-battery or from disciplinary action from the General Medical Council. Apparently, the key issue in the concept of informed consent is information and the significant question is deciding exactly how much information patients need to be properly or adequately informed? Different theories have been developed concerning this. Nevertheless, both the difficulties in the process itself and the ambiguous guidance provided by the courts are seemingly so case-specific that forming a general rule and a specific standard is practically impossible. Consequently, it would be better for the process of information disclosure to be individualized and the information provided by the doctor to be adjusted to the needs of the particular patient; through extended *discussion* and *communication*. In this way, doctors and patients are encouraged to exchange information and adopt a shared decision-making model. Informed consent should not be treated as a-merely- medico-legal issue or a signature on a form. *Both* the doctors and the patients should take a more proactive role and the concept of informed consent should be shaped by them- who are directly involved- and not by the judiciary.

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