

## 1. Identify

**1.1 Issue:** Cristanto finds himself in a moral and legal quandary when Danica, aged 15, contracts leukaemia and asks for chemotherapy. However, her parents oppose it because of their concern regarding side effects and the quality of life. The consideration of Danica's autonomy should arise in light of her perceived maturity and possible Gillick competence under Queensland law. This must be weighed against the parents' rightful authority and what would be in Danica's best interests. All this is to be delivered against a framework of ethics and the standards of professional conduct.

### 1.2 Parties:

- Cristanto (registered nurse)
- Danica (15-year-old patient)
- Julie (Cristanto's colleague, another nurse)
- Danica's parents

## 2. Evaluate

### 2.1 Ethical principles

The bioethical principles relevant to Danica's request for chemotherapy are autonomy, beneficence, non-maleficence, and justice.

Autonomy involves respecting the rights of individuals in making informed decisions. Danica is a mature 15-year-old girl suffering from leukaemia and wants chemotherapy. It is a clear sign that she wants to live and he got this insight from two years of treatment. This shows that he might be capable of making an autonomous choice. Cristanto has to assess her Gillick competence before saying whether the decision can prevail over the refusal of her parents.

Beneficence means acting in the patient's best interests. Chemotherapy may extend Danica's life which aligns with her goal. However, her parents want her to live without side effects. Therefore, Cristanto should support the treatment if it is advantageous for Danica, and engage with other medical teams to ensure it is effective.

Non-maleficence requires staying away from harmful actions. If Danica's request is denied, it may risk her survival, while going ahead with her parent's decision might lead to disregarding to family decision. To lessen the harm, Cristanto should also seek informed consent by discussing with Danica and her parents the possible risks of stopping chemotherapy.

Justice means the adherence to impartiality and fairness. An equitable approach to sharing information should allow equal opportunity for Danica and her parents to voice their concerns. Justice also means that he should respect Danica's autonomy as well as her parents' involvement. There should be a fair resolution to the conflict through set processes, such as hospital protocols or legal processes.

## **2.2 Code of Ethics**

The ICN Code of Ethics for Nurses (2021) is highly relevant guidance for Cristanto to address Danica's chemotherapy request. Under section 1.3, it is said that every person has the right to make a fully understandable and clear consent to the treatment. This has to be followed by Cristanto since he must explain to Danica the benefits and risks involved in chemotherapy to fulfil her wishes. Section 1.8 promotes advocacy for the rights of patients, and calls for Cristanto to make an attempt to provide Danica what she wants while he thoughtfully involves her parents. Section 2.7 emphasizes nurses as advocates for patients, thus upholding a culture of ethical dialogue that Cristanto applies in engaging the medical team and perhaps an ethics committee to resolve the conflict. Section 2.9 emphasizes respecting the right of a person to consent, supporting the argument that Danica's potential Gillick competence could legally endorse her decision. Cristanto is balancing Danica's autonomy against her parents' concerns to ensure ethical patient-centred care and maintain professional standards.

## **2.3 Law**

In Queensland, the issue of chemotherapy asked by Danica is primarily supported under a law that addresses consent and Gillick competence. Valid consent requires an individual to be capacitated, voluntary, and specific. Minors like Danica with 15 years of age, would normally need to obtain parental consent for a procedure. However, as derived from *Gillick v West Norfolk AHA* (1985), common law states that a Gillick competent minor can grant consent if there is proper knowledge of understanding regarding the nature, risks, and benefits. The Guardianship and Administration Act 2000 addresses the issue of substitute decision-making but is mainly directed towards adult patients. Thus, consent for minors is retained by common law. Hence, if Danica is Gillick competent, her request would not be hampered by her parent's refusal. Otherwise, the decision by her parents would stand barring unless intervened by a court of law, as might happen in *parens patriae* cases. Cristanto should assess Danica's understanding, consult her parents, and if differences persist, seek legal guidance while documenting to comply with Queensland legislation.

## **3. Action**

### **3.1 Code of Conduct**

The NMBA Code of Conduct for Nurses (2018) points out some guiding key principles that Cristanto must apply in the case of Danica, aged 15, requesting chemotherapy. This is in accordance with the opposition by the parents with the rationale of side effects and quality of life. Relevant principles that affect the case are examined and applied below.

*Principle 2.2:* Decision-making should consider person-centred care and shared decision-making, according to the patient's values and preferences. Cristanto needs to support Danica's request to receive chemotherapy since she has Gillick competence. Discussions with Danica and her parents should be related to her preferences, also considering their concerns about her

quality of life. This would include considering her right to seek treatment in conjunction with collaboration with her family.

*Principle 2.3:* Informed Consent requires nurses to provide understandable information and adequate time for decision-making. It is Cristanto's job to assess Danica's knowledge of chemotherapy's benefits (potential remission) and risks (side effects) so that she can choose fully. For a minor, he should consider her maturity as per the NMBA Code of Conduct for Nurses (2018). This would also involve the informed decision of the parents to address any disagreement.

*Principle 3.3:* For effective communication, it should be lucid, compassionate, and individualized to every patient. Cristanto must talk to Danica accordingly since she is still a minor, and confirm that he understands her intention. Cristanto can even invite her parents empathically to discuss without any judgmental assumptions. This ensures an open conversation with different viewpoints.

*Principle 4.1:* Professional boundaries require the maintenance of objectivity. Cristanto must remain detached from Danica's emotional requests, ensuring that his advocacy stays professional and evidence-based rather than being swayed by his personal bias.

In applying these principles, he assesses Danica's competence and involves parents and the medical team. If her Gillick competence is confirmed, he will advocate for Danica's treatment. Otherwise, he will advocate parental authority with possible escalation to legal or ethical review. Cristanto must document every interaction to maintain his accountability and in line with the ethical, patient-centred practice emphasized by the NMBA Code.

### **3.2 Options for Action**

Cristanto has options available to him in dealing with Danica's requests for chemotherapy against her parents' wishes. First, he may discuss with Danica the risks and benefits associated with chemotherapy to assess Gillick competence and document her consent. Second, he could organize a meeting with medical staff and parents to explore parental concerns and Danica's wishes aimed towards consensus. Third, if Danica is competent but her parents still oppose her requests, Cristanto may elevate the case to the hospital ethics committee or legal department. This can lead to a potential application to a court for treatment authorization. Alternatively, if Danica is incompetent, he could instead respect the parents' decision and provide ongoing support for future discussion, ensuring that anything done is documented.

### **4. Implementation**

Before responding to Danica's chemotherapy request, Cristanto must first hold a structured conversation with Danica to assess her Gillick competence. This is to ensure that there is good documentation of her understanding of the implications of treatment. Following this, Cristanto should proceed to call Danica's parents, starting with her mother, to finally sit them

down with the oncology team to facilitate communication about Danica's requests. If consensus fails and Danica is competent, the case should be referred by Cristanto to the hospital's ethics committee or legal department, to support a possible court application. Throughout the process involved, he must communicate clearly with all parties, maintain professional boundaries, and prepare for consequences like family distress by offering counselling resources and ensuring ethical and legal compliance.

## **5. Assess**

To evaluate his response to Danica's request for chemotherapy, Cristanto should critically consider the effectiveness and ethicality of his actions. He should consider whether the competency assessment conducted on Danica was comprehensive and had accurate documentation of understanding. It should ensure that clear, respectful, yet inclusive communication with her parents and the medical team happened while ensuring there were no unaddressed concerns. If matters are raised, he should ensure that the referrals to the ethics committee or legal department have sufficient documentation. Cristanto should also monitor the outcomes, whether Danica's right was respected or whether a family consensus was achieved. Additionally, he should consider emotional impacts so that he can arrange help if needed.

## References

Gillick v West Norfolk AHA (1985) 3 All ER 402

Guardianship and Administration Act 2000 (Qld)

ICN Code of Ethics for Nurses. (2021). The ICN code of ethics for nurses. In *International Council of Nurses*. [https://www.icn.ch/sites/default/files/2023-06/ICN\\_Code-of-Ethics\\_EN\\_Web.pdf](https://www.icn.ch/sites/default/files/2023-06/ICN_Code-of-Ethics_EN_Web.pdf)

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<https://www.nursingmidwiferyboard.gov.au/codes-guidelines-statements/professional-standards.aspx>