Reply to the Letter to the Editor

Reply to the Letter to the Editor: Medicolegal Sidebar: Informed Consent in the Information Age

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To the Editor,

It is true that most patients probably do not read the fine print and technical language of the informed consent forms. The surgeon also has the obligation to ensure that his or her patient has a full understanding of the operation, and of its alternatives and attendant risks. As my coauthor and I pointed out in our column, a component of the modern informed consent process involves an understanding of the preconceived notions that the patient may bring to the discussion, from a number of sources that may lack credibility. As such, the physician is faced not only with providing honest and complete

information to the patient, but also managing expectations that are improperly fueled by multiple sources outside the doctor-patient relationship.

From a legal standpoint, the authors of the letter to the editor are correct in that the consent process itself could be improved by technology, such as videotaping the patient interview, or insisting that the patient take the consent home, such that surgery is scheduled only when a signed copy is returned to the doctor's office. These steps, and others like it, will add legal strength to the informed consent process by ensuring documentation of how the consent was obtained.

In my view, the best use of the informed consent process is for the surgeon to establish communication and a therapeutic alliance with the patient. Information technology has not changed that basic premise. The consent process is ideally the starting point of a careful discussion with the patient, so that trust and confidence is built up, and information is shared openly. Surgeons should also encourage the patient to talk and articulate their understanding of the operation and the recovery process.

The informed consent is an integral part of the art and science of a good surgical practice and I appreciate your input in this very important matter.

(RE: Bal BS, Brenner LH. Medicolegal sidebar: Informed consent in the information age. *Clin Orthop Relat Res*. 2015;473:2757–2761.)

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