

ABSTRACT

Each of us is closely related to the medical care. We have to admit that medical technology is a double-edged sword. Advanced medical techniques for the complicated illnesses really effective, but may also harm to patients. The traditional medical ethics based on the “doctors—patriarchy”, and focus on the absolutely authority. Patients only can choose to obey.

With the trend of modern human rights' developing, rights of intensified rapidly gets more and more attention. The new medical ethics consider "people-oriented" and "respect the patient autonomy" as the core principles. Therefore, the obligation of inform that appears in the theory and practice of the law is becoming the focus of the attention of all fields. Only fulfill the obligation to disclose and get the promises from patients, the doctor's medical act could be legalized. The obligation to disclose plays a very important role in ensuring the basic rights, and maintaining the development of relationship between doctors and patients.

In this paper, the author discussed the obligations to inform the patients from different aspects as follows: the possibility and necessity of the obligations were brought in the modern civil law, the ideological basis , the framework of the system , the liability for violation of this obligation, as well as the criteria in the judicial practice.

Key Words : Informed consent Obligation Independent-decision Default
Tort Contract