Reviewer’s report

Title: Consent On Behalf Of The Incapable Critically Ill Patient: An Audit Of Intensivists’ Communication With Substitute Decision Makers In A University Teaching Hospital

Version: 1 Date: 7 August 2009

Reviewer: Margaret L Campbell

Reviewer’s report:

Major compulsory revisions:

Expand the description of the hospital. What is the usual ICU patient mix? What is a level III critical care service? What are the major characteristics of the patient’s who died, e.g. age, race, major diagnoses, not just aggregate APACHE II score. Is the unit open (staffed by patient's primary physician) or closed (intensivist managed)? Were there medical trainees documenting clinical notes?

Expand the description of the method. Why did you choose up to 10 notes per patient? How did you choose which notes to include? Explain what is meant by "clinical notes only after death". Does this mean documentation was done after death? Provide illustrative examples from notes to characterize your descriptions. It is not clear whose agreement is being measured in the last paragraph of the results section.

Separate results from discussion. The paper's readability will be improved if the results and references to the content in the tables are presented before the discussion.

another major limitation is that a retrospective chart review for qualitative data is a very weak methodology.

Synthesize the major provisions from the Act in the body of the text, such as in the introduction.

Figure 1 is not useful.

Level of interest: An article of limited interest

Quality of written English: Acceptable

Statistical review: Yes, but I do not feel adequately qualified to assess the statistics.

Declaration of competing interests:

I have no competing interests.