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: 23 September 2009

Reviewer: Karin T Kirchhoff

Reviewer's report:

Major Compulsory Revisions

I would like to see more details about the sample of charts. Were these all the charts from the time period or where some not accessible? How many weren't? Were the charts paper, not electronic? It sounds like that.

It seems like the Act is an important part of your analysis but it's not up front as a purpose of the study. The Act needs to be explained in more detail for an international audience.

The low kappas should be addressed in the limitations and perhaps interpreted earlier. Are you saying that they were artificially low because of no findings in some categories?

You say you are reporting on a per patient basis. Am I to assume that all denominators are 120 even though you have 280 notes transcribed? Is there any time the denominator would be 280?

I am asking these questions so that the results which I believe will not be questioned by others and then disregarded. You have given quantification to a substantive issue in ICUs.

Level of interest: An article of importance in its field

Quality of written English: Acceptable

Statistical review: No, the manuscript does not need to be seen by a statistician.

Declaration of competing interests:

I declare that I have no competing interests.