Reviewer’s report

Title: A mixed methods investigation of surrogate end-of-life decisions among older adult partners

Version: 1 Date: 06 Dec 2019

Reviewer: Amber Comer

Reviewer's report:

1. Reviewer 4 Comment: "A major conceptual challenge is presentation of the idea of risk: that surrogates are more likely to take certain risks for others than for themselves. In the introduction, the authors discuss this phenomenon but do not always make it clear which risk they are talking about. There are usually two risks involved in the decisions: risk of death and risk of poor quality of life. Why do they think that the risk of low quality of life is more salient to the surrogates? This may be the case, but cannot be assumed."

Response: "Thank you for your comment. We have made it clear in our introduction that surrogate decisions have tended to avoid a risk of death, rather than a risk of poor quality of life."

Commentary: I think the point of reviewer 4's comment was that some surrogates tend to avoid risk of death, while others avoid risk of poor quality of life. The way you have phrased your response, you say that you are now focusing on avoiding "risk of poor quality of life RATHER than poor quality of life." Surrogates tend to focus on one or the other - so rather is not the appropriate word. A better word would be "either". So, this section should be rephrased to discuss that either of these positions are possible and must be taken into account.

2. You say on line 40 "The ethical framework of surrogate decision-making was developed almost three decades ago and remains representativecharacteristic of the current legislation in many western countries current legislation1 (Buchanan &amp; Brock, 1990)." I am not sure what you mean by this. There are papers which have explored that legislation for surrogate decision making is actually quite different between different states within the United States for instance and there is not one accepted standard for making decisions (some states use substituted judgement and others use best interest, and that there is not standard for who can make decisions) (Link to paper : http://journals.iupui.edu/index.php/ihlr/article/view/21709/20901 Comer AR, Gaffney M, Stone C, Torke A. What do you mean I cannot consent for my grandmother's medical procedure: key issues with state default surrogate decision making laws. Indiana Health Law Review. 2017;14(2).

3. On line 44 you say "If an advance directive is available, it should be followed. Otherwise, the substituted judgment standard should be applied, whereby the surrogate must decide based on their knowledge of the patient's preferences” This is not accurate. In fact, the standard in the US
has moved away from substituted judgement and toward best interest in the past few years (see citation given above). Most states now have laws that say best interest is the standard. Substituted judgement became very hard to implement given that many people do not have these conversations. Best interest is also an easier standard to apply because it does not require you to forgo what the patient may have wanted when making your decision as to what is best.

4. In the section on "psychological theories of surrogate decision-making" you give a lot of information. I am not sure why this section is relevant given the following: 1) you do not use these theories in your qualitative analysis; 2) you do not include all theories on surrogate decision making, just some of the theories available; and 3) you do not tie your findings back to the theories you present. As you seem to state the theories and move on, it makes the paper rather long and hard to follow.

5. I am not sure why you moved Table 1 to the methods section. You should not report research findings in the methods section. Only in the results section. Just as you would not discuss results in the discussion that you do not report in the results.

6. Under "Theoretical implications" you begin talking about how your findings "lend support to predictions made by Tunney and Siegler". The problem is that you write as if the reader knows what these assumptions are, but make no effort to explain what they mean. Also, should this literature be introduced under the background? It seems to come out of nowhere in the discussion.

Are the methods appropriate and well described?
If not, please specify what is required in your comments to the authors.

Yes

Does the work include the necessary controls?
If not, please specify which controls are required in your comments to the authors.

Yes

Are the conclusions drawn adequately supported by the data shown?
If not, please explain in your comments to the authors.

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