

Clinical Ethics and Ethics Consultation

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Objectives

- Identify goals of ethics consultation
- Describe process of ethics consultation
- Describe the conceptual models
- Consider developmental, institutional and pragmatic influences on consultation work
- Compare different approaches to ethics consultation
- Identify areas for development

Why do ethics consultation?

- Morally diverse society requires a forum for discourse on differences
- Healthcare institutions are a microcosm of society
- Technology development and expectation of shared decision making have created more ethically complex healthcare culture—Who decides what's right or good??

What is the purpose of Ethics Consultation?

Ethics consultation is "...a service provided by an individual, or a group to help patients, families, surrogates, healthcare providers or other involved parties address uncertainty or conflict regarding value-laden issues that emerge in healthcare."

American Society for Bioethics and Humanities. Core Competencies for Ethical Consultation: The Report of the American Society for Bioethics and Humanities. Glenview, IL. 1998.

Goals of Ethics Consultation

- To promote an ethical resolution of the case at hand
- To establish comfortable and respectful communication among the parties involved
- To help those involved to work through ethical uncertainties and disagreements on their own
- To help the institution recognize patterns within the hospital and consider reviewing policies

Andre, J. JCE. 1997 8(2), 193-198.
Judith Andre, Bioethics as practice, 2002.

Ethics Consultation - I know it when I see it!

- A monolithic, known thing or something different everywhere it is?
- Areas of similarity, areas of distinction

Who is the ethics consultant?

- “The ethicist is neither a medical insider nor an outsider, but often serves as a facilitator and negotiator, a listener and a guide.”

Patricia Talone, "Catholic Health Care Ethics Consultation: A Community of Care," HEC Forum. 2003; 15(4): 323-337.

Are there any standards for ethics consultation?

- Core Competencies Report by ASBH
- AMA's Code of Medical Ethics
- Not clear how widely adopted these competencies are

AMA's Code of Medical Ethics

- Ethics Consultation
 - Members should include either individuals with extensive formal training and experience in clinical ethics or individuals who have made a substantial commitment over several years to gain sufficient knowledge, skill, and understanding of the complexity of clinical ethics.
 - Explicit structural standards should be developed and consistently followed.

AMA's Code of Medical Ethics

- Ethics Consultation
 - Explicit procedural standards should be developed and consistently followed.
 - Explicit structural standards should be developed and consistently followed.
 - In general, patient and staff informed consent may be presumed for ethics consultation. However, patients and families should be given the opportunity, not to participate in discussion either formally, through the institutional process, or informally.
 - ...In general, ethics consultation services, like social services, should be financed by the institution.
 - A consultation service should be careful not to take on more than it can handle.

Prevalence of ethics consultation

- 81% of US hospital have some kind of ethics consultation service
- Present in all hospitals with 400 or more beds
- Dominant models:
 - Small team approach (68%)
 - Full Committee (23%)
 - Individual consultant (9%)

Fox, Ellen, Myers, Sarah and Pearlman, Robert A. (2007) The American Journal of Bioethics, 7:2, 13-25.

Who requests ethics consultations?

- Physicians
- Nurses
- Family members
- Social Workers

McGee et al. (2002) Cambridge Quarterly of Healthcare Ethics 11(1): 87-93.

Major issues involved in ethics consultations?

- Patient autonomy and competence
- Improving communication
- End of life care

McGee et al. (2002) Cambridge Quarterly of Healthcare Ethics 11(1): 87-93.

Different approaches to ethics consultation

- Authoritarian approach
- Pure facilitation approach
- Ethics facilitation approach
- Conflict resolution/mediation approach

How is Ethics Consultation accomplished?

“Ethics Facilitation” involves 2 core features: identifying and analyzing the nature of value uncertainty and facilitating the building of consensus among all the involved parties.

How is Ethics Consultation accomplished? (cont'd)

“In order to facilitate consensus, ethics consultants must:

- ✓ Ensure that the voices of all the involved parties are heard,
- ✓ Assist them in clarifying their own values, and
- ✓ Facilitate building of morally acceptable shared commitments and understandings.”

Bioethics Consultation Task Force, Annals of Internal Med, 2000.

Outcomes of ethics consultations?

- Recommendations to physicians and staff
- Communication with patient/family
- Consultations are documentation

McGee et al. (2002) Cambridge Quarterly of Healthcare Ethics 11(1): 87-93.

What are the numbers?

- 35,000 individuals are involved in 15,000 ethics consultations a year
- 36% are physicians
- 30% are nurses
- 11% are social workers
- 10% are chaplains
- 10% are administrators
- Less than 1% are philosophers or theologians

Fox, Ellen, Myers, Sarah and Pearlman, Robert A. (2007) The American Journal of Bioethics, 7:2, 13-25.

Core Competencies- Basic and Advanced

- Basic and Advanced
- Skills
 - Ethical Assessment Skills
 - Process Skills
 - Interpersonal Skills

Core Competencies- Basic and Advanced

- Knowledge
 - Moral reasoning and ethical thinking
 - Bioethical issues and concepts
 - Health care systems
 - Clinical context
 - Institutional knowledge
 - Policies
 - Beliefs and perspectives of patients and staff populations
 - Professional codes and accreditation standards
 - Relevant health law

Core Competencies- Basic and Advanced

- Character
 - Tolerance
 - Patience
 - Compassion
 - Honesty
 - Courage
 - Prudence
 - Humility
 - Integrity

Ethical Case Analysis

Jonsen, et al. *Clinical Ethics*, 1998

Medical Indications

- (Beneficence)
- Medical Diagnosis
 - Medical Prognosis
 - Goals of Treatment

Patient Preferences

- (Autonomy)
- Competency
 - Advance Directive
 - Substituted Judgment
 - Best Interest Standard

Quality of Life/Death

- (Nonmaleficance)
- Benefits of Treatment
 - Harms of Treatment
 - Defined by
 - Patient
 - Family
 - Health Care Providers

Contextual Factors

- (Justice)
- Family and Emotional
 - Legal/Ethical Standards
 - Administrative
 - Economic

Ethics Consultation Service Policies

- Access
- Patient notification
- Documentation
- Case review

Managing Ethical Problems

- ✓ Practicing “Preventive Ethics”
- ✓ Keeping “Moral Spaces” open for discussions of ethical issues
- ✓ Educating on themes of frequent consultation

Challenge for ethics consultants

- “Perhaps the biggest challenge in the future.... will be helping to ensure that ethics consultants have adequate education and training to carry out the important work that is entrusted to them.”

Mark P. Aulisio.(2004) Encyclopedia of Bioethics.

Questions ?