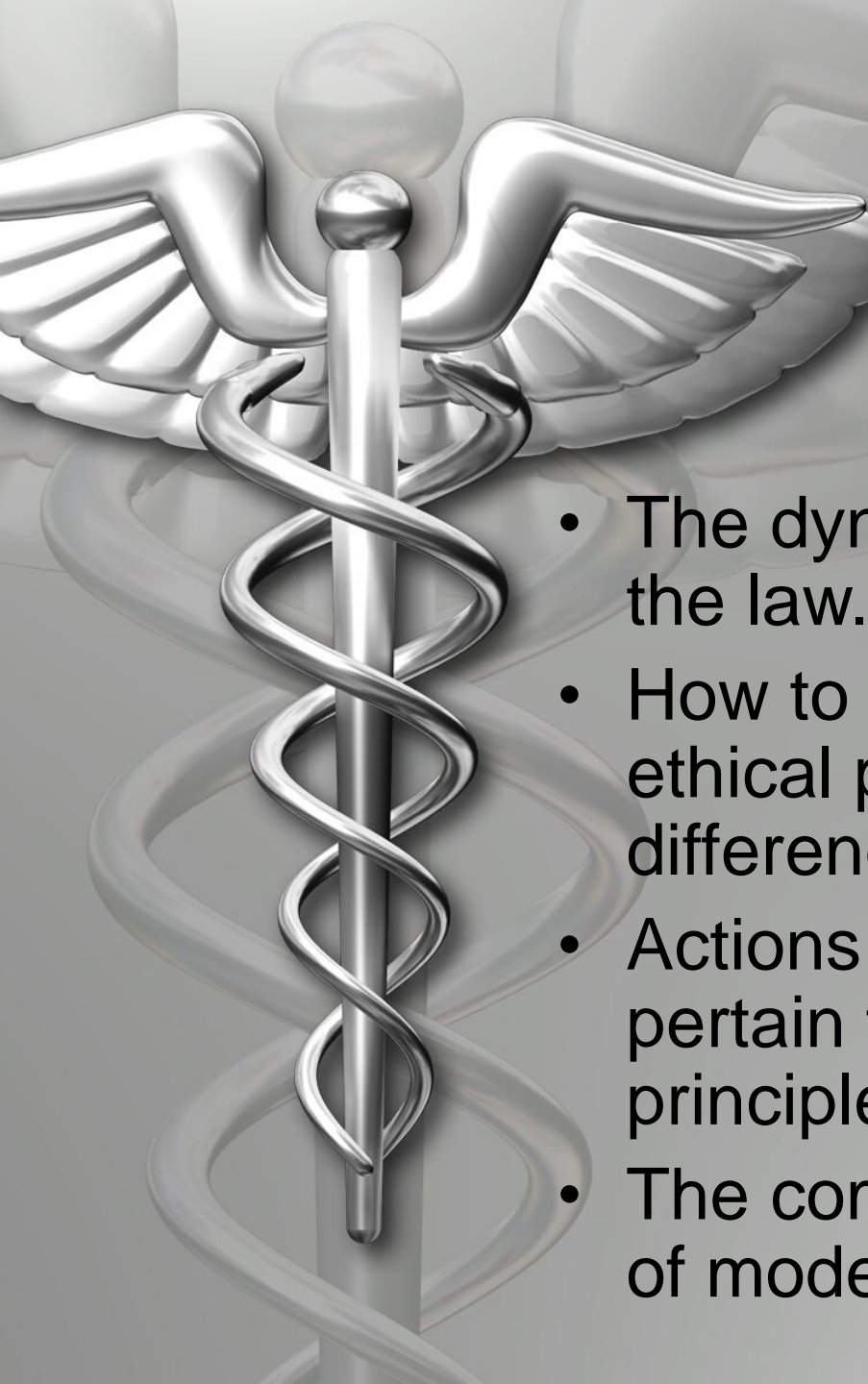Institute for Ethics In Health Care Presents:

A Primer for Teaching Health Care Ethics Using A Multicultural/Interdisciplinary Approach

Objectives:

To Understand:

- The dynamics between ethics and the law.

- How to implement contemporary ethical principles by examining the difference between ideas(duties).

- Actions (consequences) as they pertain to the principles and principles of ethics.

- The common terms and principles of modern bioethics.

Objectives Continued

To Understand:

- Why ethics may differ among different cultures and why this knowledge is important.

- Why bioethics needs to be integrated through conscious design in order for the health care provider to deliver ethical care.

- The importance of ethics in modern medicine in today's culturally diverse health care environment.

Objectives Continued

To Understand:

- The case study method of examining everyday bioethical problems to enhance the student's understanding and implementation of contemporary bioethic principles and principles.

- How to utilize ethical principles as guidelines for decision making when caring for clients.

Objectives Continued

To Understand:

- How to recognize and utilize a decision making model approach to solving ethical dilemmas.

- How to identify the ethical duties and actions of the health care professional when obtaining an informed consent from a client/family.

Objectives Continued

To Understand:

- How to explore positive communication techniques which can be used in obtaining informed consent (feature benefit check)!

- How to recognize the health care providers ethical responsibilities in safe guarding the contents of medical records.

Objectives Continued

To Understand:

- Why ethics may differ among different cultures and why this knowledge is important.

- Why bioethics needs to be integrated through conscious design in order for the health care provider to deliver ethical care.

- The importance of ethics in modern medicine in today's culturally diverse health care environment.

Ethics and Morality
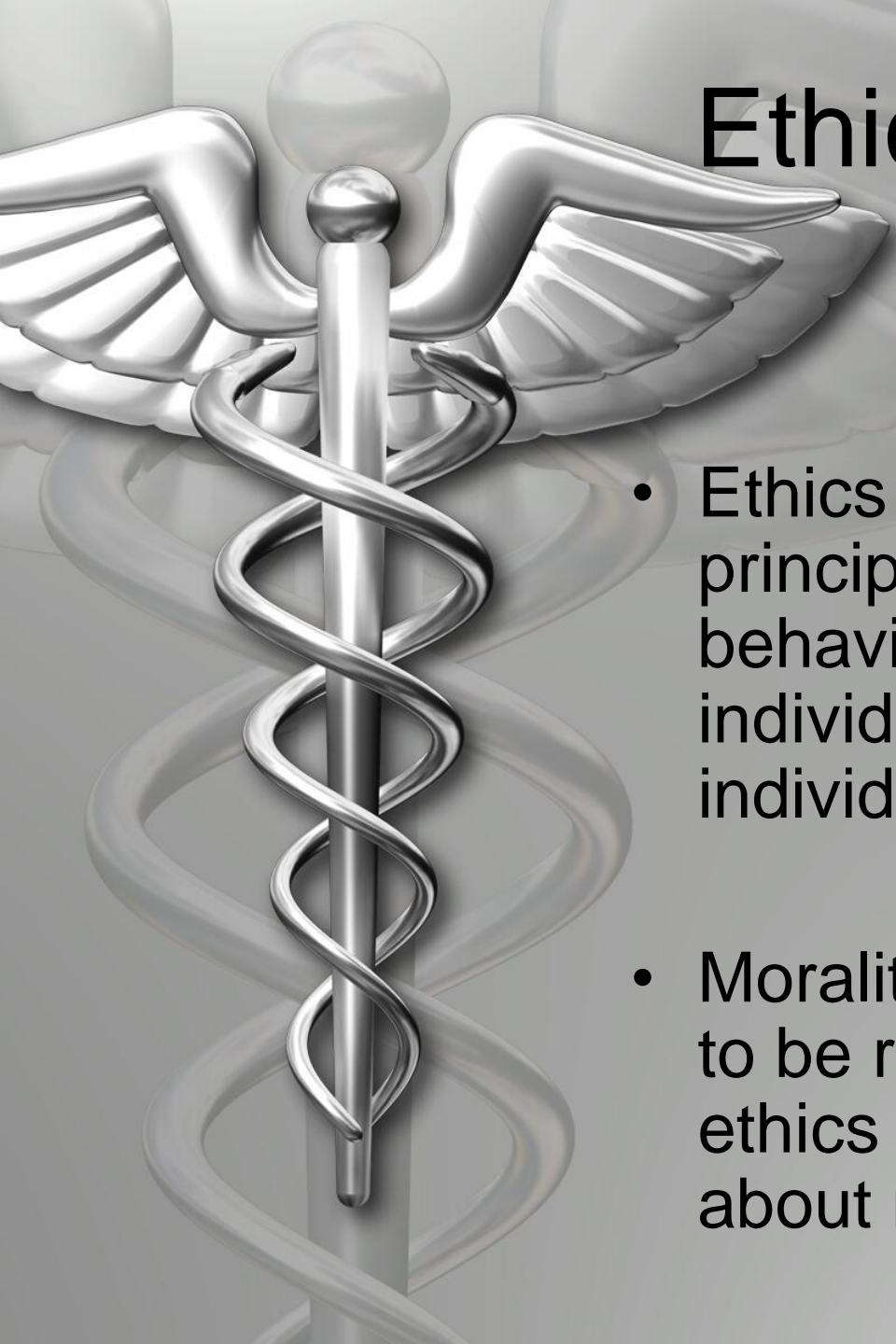
- Ethics is a set of moral principles and a code for behavior that govern an individual's actions with other individuals and within society.

- Morality is what people believe to be right and good, while ethics is a critical reflection about morality.

Law

- Laws are brought about by tension, agitation and conflict by dramatic situations.

- Laws are societal rules or regulations that are obligatory to observe.

Law Continued

- Laws protect the welfare and safety of society, resolve conflicts, and are constantly evolving.

- Laws have governed the practice of medicine for over one hundred of years.

Bioethics

- Bioethics refers to the moral issues and problems that have arisen as a result of modern medicine and medical research.

- Issues in bioethics are usually *life-and-death issues!*

- Ethical and bioethical principles can be personal, organizational, institutional or worldwide.

Comparing Law and Ethics
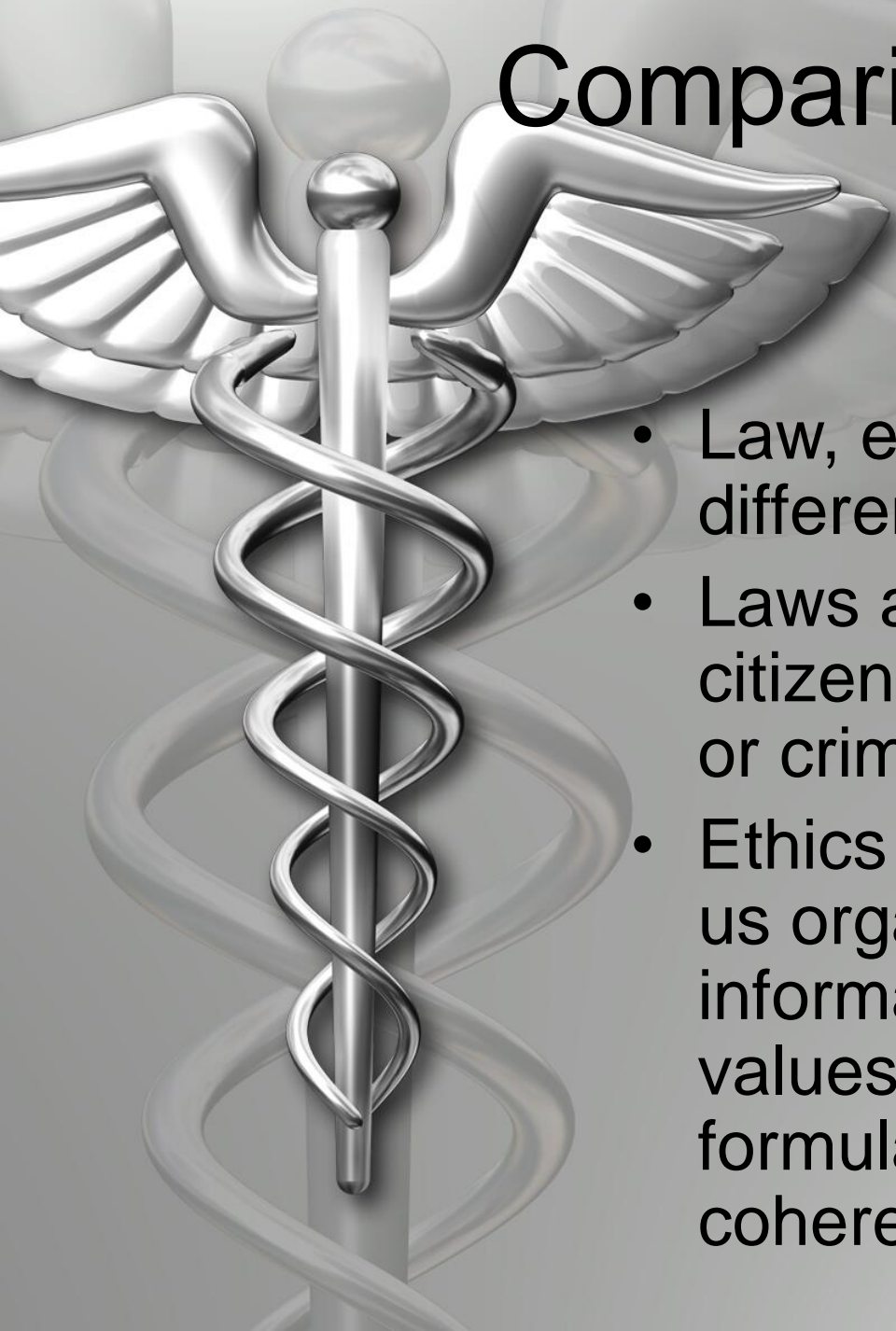
- Law, ethics, and bioethics are different but related concepts.

- Laws are mandatory to which all citizens must adhere or risk civil or criminal liability.

- Ethics relate to morals and help us organize complex information and competing values and interests to formulate consistent and coherent decisions.

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Ethical Dilemma:

Value conflicts, no clear consensus as to the "right" thing to do. A conflict between moral obligations that are difficult to reconcile and require moral reasoning.

Ethical Dilemma:

Situations necessitating a choice between two equal (usually undesirable) alternatives.

Ethical Issues in Modern Healthcare

In modern healthcare and research, value conflicts arise where often there appears to be no clear consensus as to the "Right thing to do." These conflicts present problems requiring moral decisions, and necessitates a choice between two or more alternatives.

Examples:

- Should a parent have a right to refuse immunizations for his or her child?

- Does public safety supersede an

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Ethical Questions, Cont.
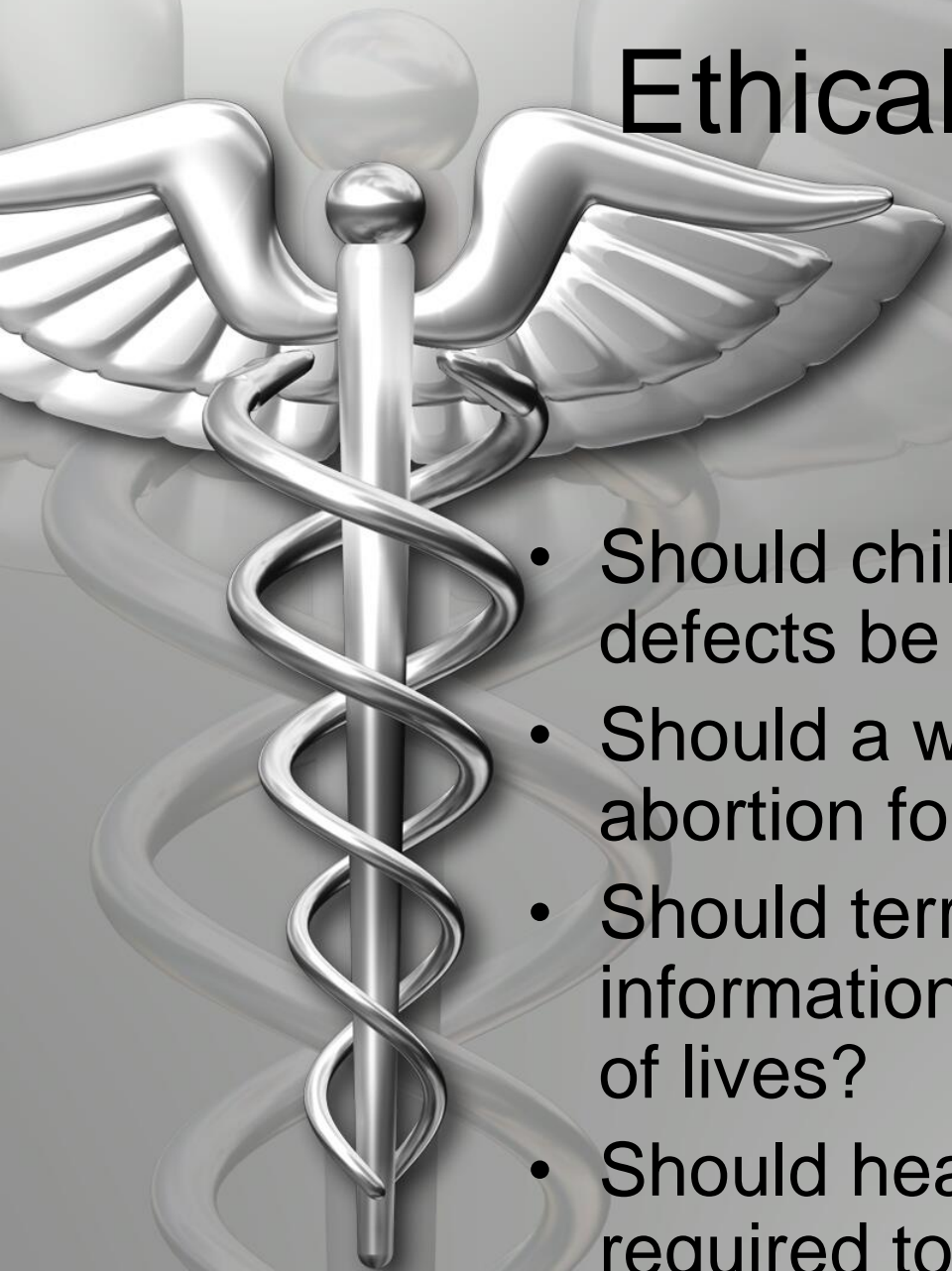
- Should children with serious birth defects be kept alive?

- Should a woman be allowed an abortion for any reason?

- Should terrorists be tortured to gain information possibly saving hundreds of lives?

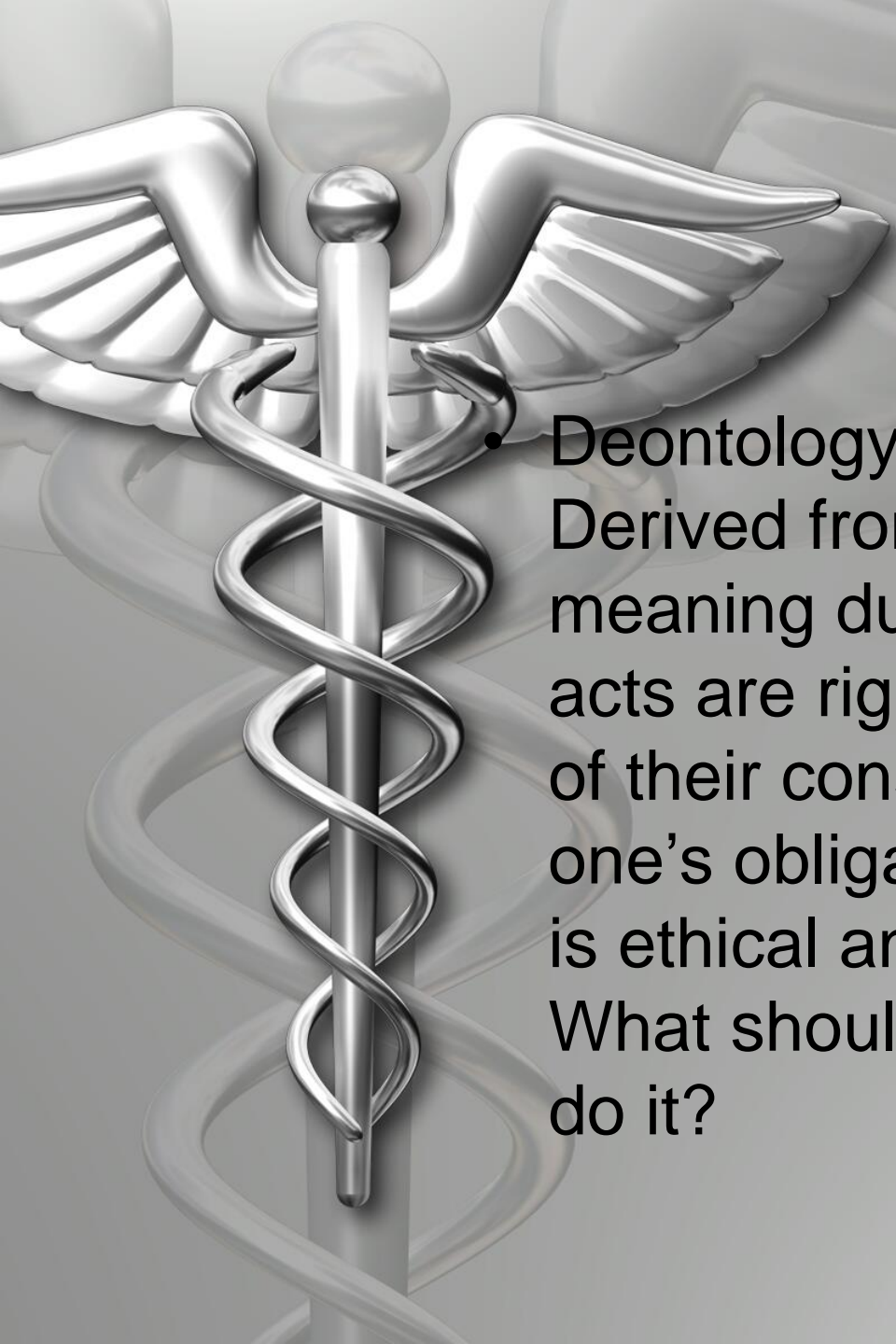- Should health care workers be required to receive small pox vaccination?

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Ethical Theories: Ideas and Actions

- Deontology (duty)
- Consequentialism (actions)
- Virtue Ethics/Intuition (morals and values)

Beliefs

- Rights Ethics (individuality and the American culture)

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Ethical Theories

- Deontology /Nonconsequentialism: Derived from the Greek word, Deon, meaning duty. Considers that some acts are right or wrong independent of their consequences. Looks to one's obligation to determine what is ethical and answers the question: What should I do and why should I do it?
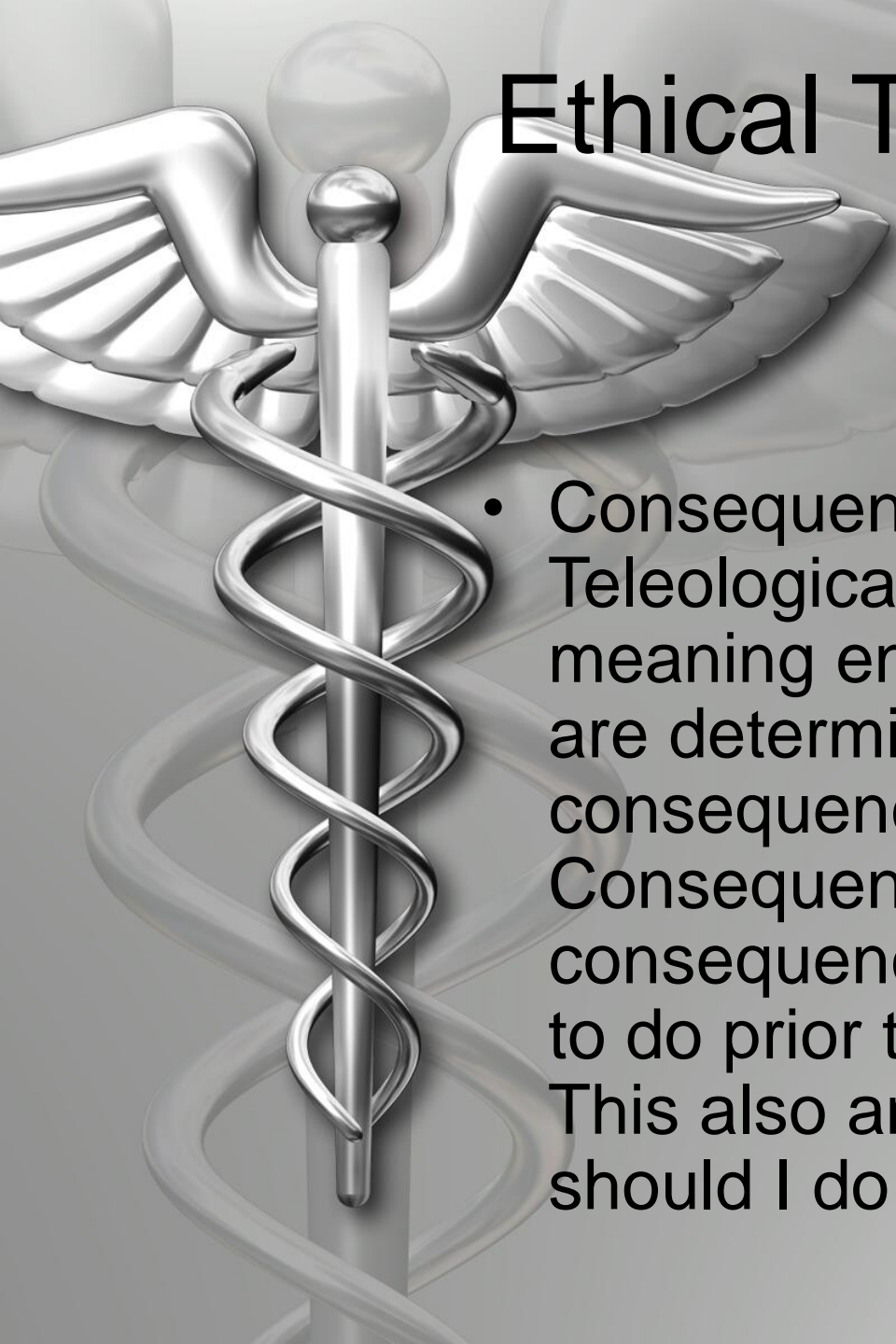
An Individual's Ideas and Actions
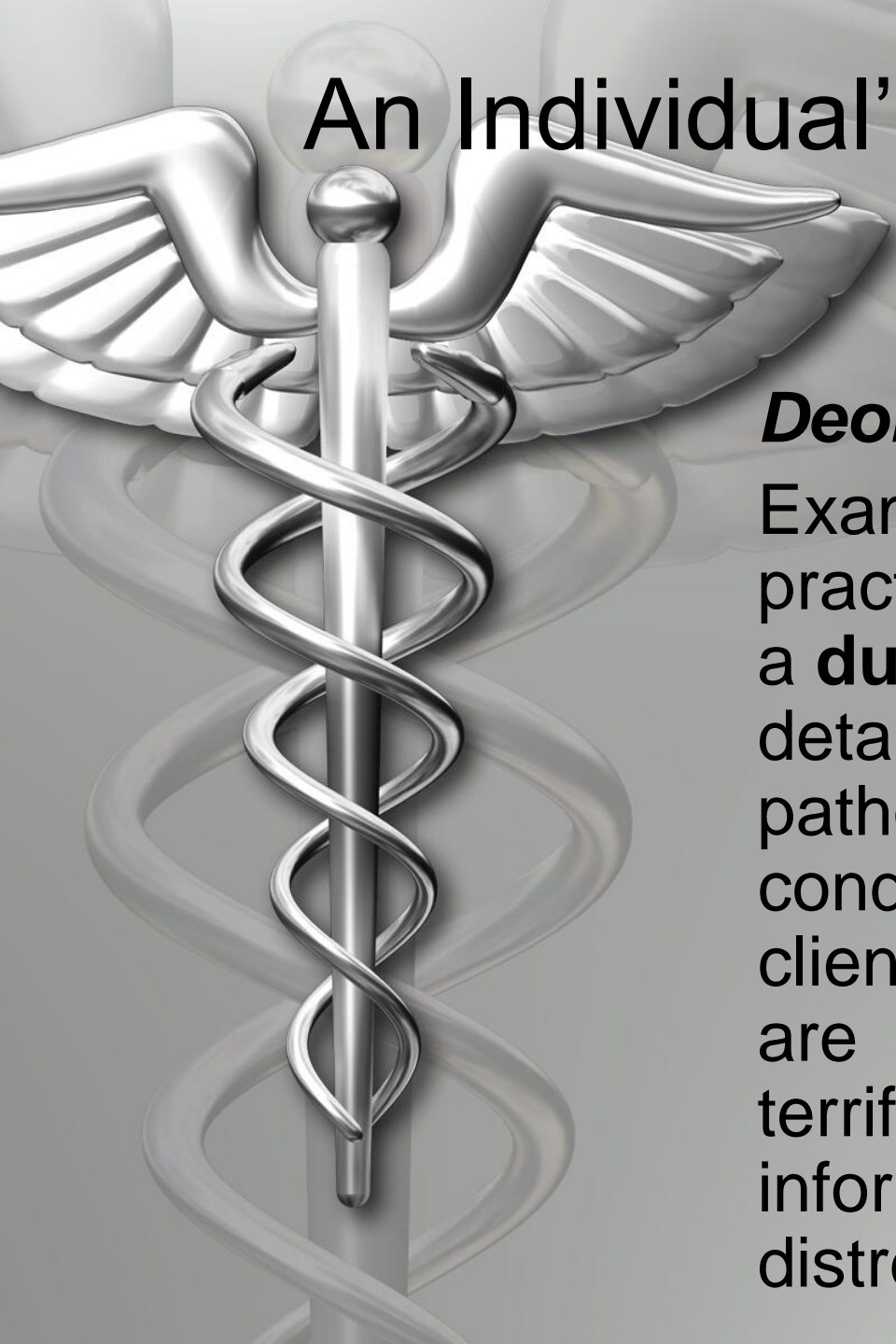
Deontology: *A duty*

Example: Zelda, a practitioner, believes she has a **duty** to give cardiac clients detailed information on the pathology involved in their condition even though the client has indicated that they are not ready or may be terrified to hear the information causing the client distress.

Ethical Theories Continued

- Consequentialism: Also called Teleological, Greek word, Telos, meaning end or consequence. Actions are determined and justified by the consequence of the act. Consequentialists consider **all** the consequences of what they are about to do prior to deciding a right action. This also answers the question: What should I do and why should I do it?

An Individual's Ideas and Actions
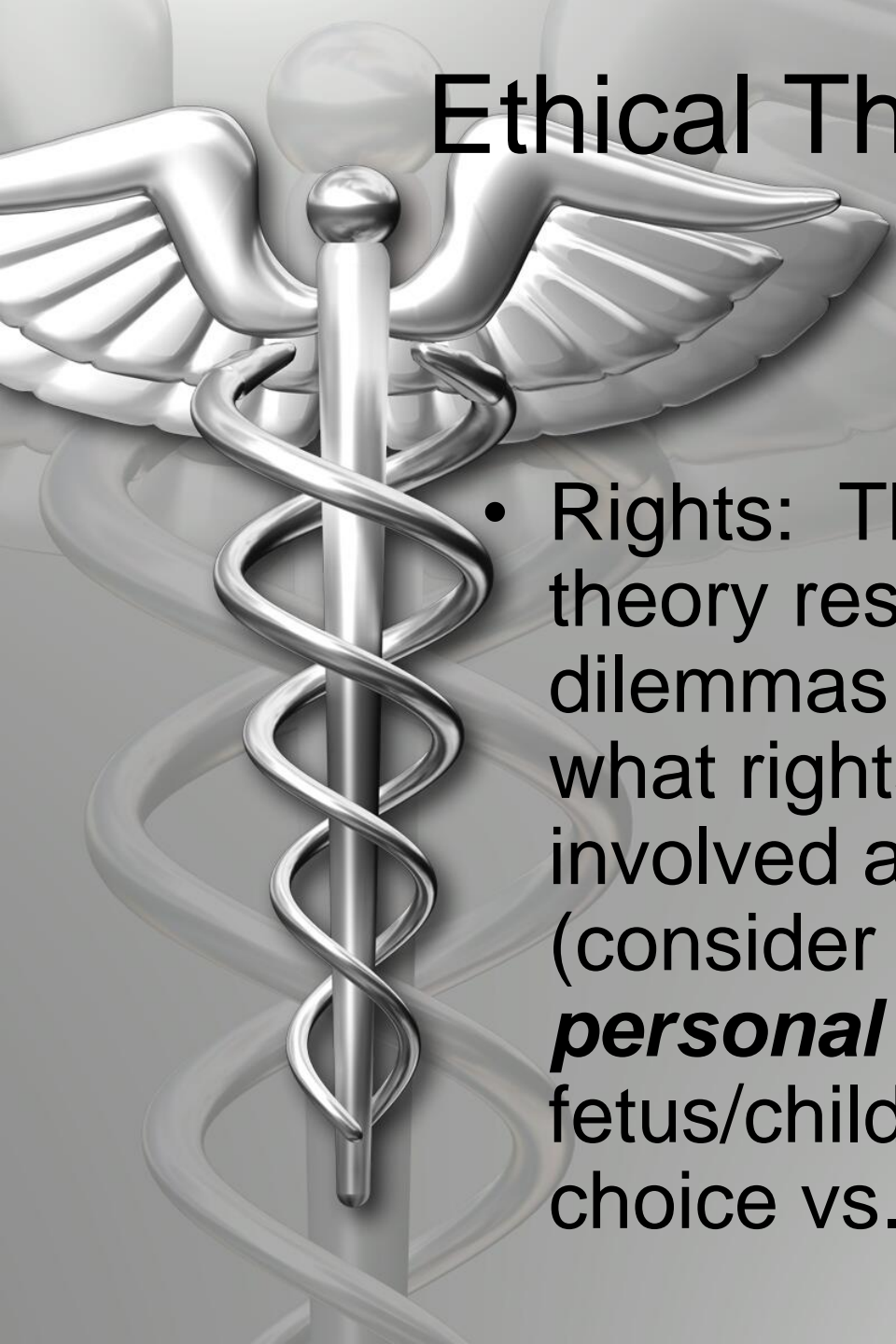
Consequentialism: Action

Example: Had Zelda respected the wishes of her clients, she would have given them only the information which would have been a benefit to them and not caused them undue stress. She would have been motivated by her desire to do good (beneficence), rather than her sense of duty. This is a Deontological betrayal.

Ethical Theories Continued

- Utilitarian Ethics: Considers the greatest good for the largest number of people. Also answers the question: What should I do and why should I do it?

- Intuitionism: Resolves ethical dilemmas by appealing to one's intuition, a moral faculty of a person which directly knows what is right or wrong. (A gut feeling of knowing what is right).

Ethical Theories Continued

- Rights: This popular American theory resolves ethical dilemmas by first determining what rights or moral claims are involved and take precedence, (consider the abortion debate- *personal* – mom vs. fetus/child, *societal*- women's choice vs. murder.
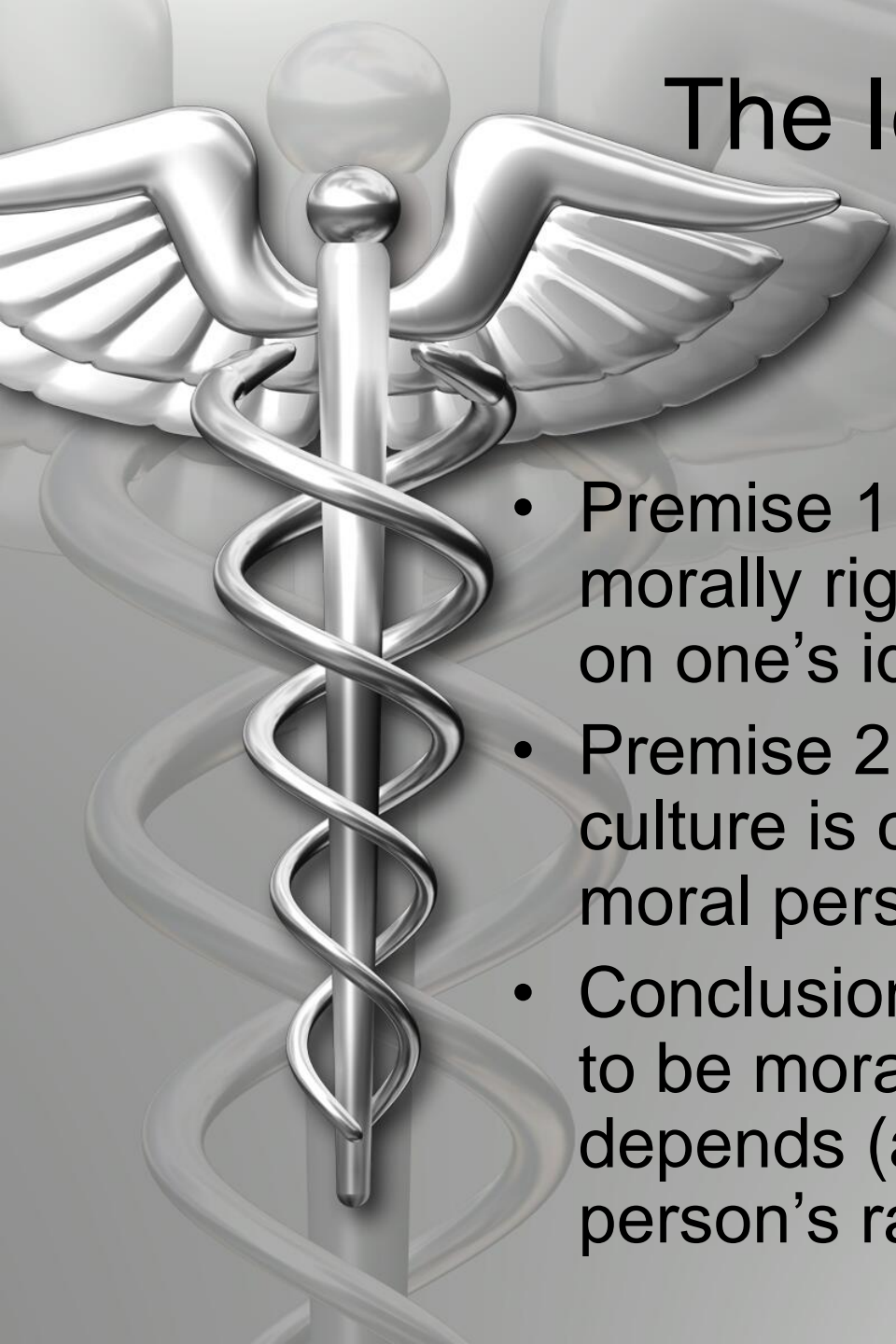
Ethical Theories Continued

- Virtue Ethics: Contrary to other ethical theories, virtue ethics tells us what kind of person one ought to be, rather than what they do. The focus is on the character (goodness) of the person.
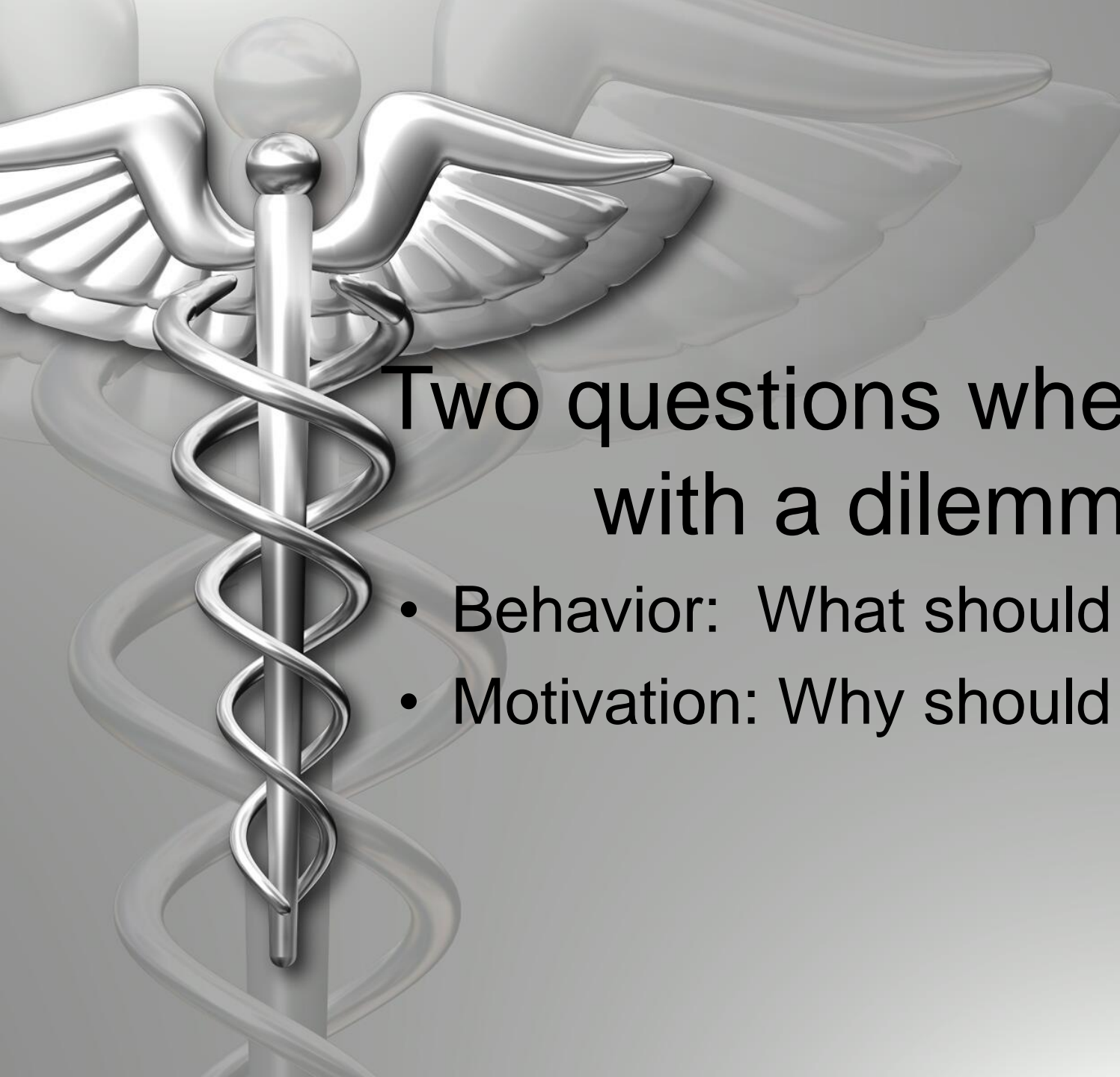
Two questions when faced with a dilemma:

- Behavior: What should I do?

- Motivation: Why should I do it?

The Identity Argument

- Premise 1: What is understood to be morally right depends (at least in part) on one's identity as a moral person.

- Premise 2: Ones' race ethnicity and culture is central to one's identity as a moral person.

- Conclusion: Thus, what is understood to be morally right by an individual depends (at least in part) on that person's race, ethnicity, and culture.

Cultural Diversity and Ethics

Why Now?

- Increased recognition,interest and respect for diverse societal values. Why?

- Fundamental question: What place, if any, do race, ethnicity, and culture have in moral theory?

What exactly do we mean by race, ethnicity and culture?

– *Race* –Genetically there is only one race, which is the human race. Society makes judgments about the varieties of biological characteristics. Eventually, biological characteristics are seen as socially constructed which often leads to stereotyping.

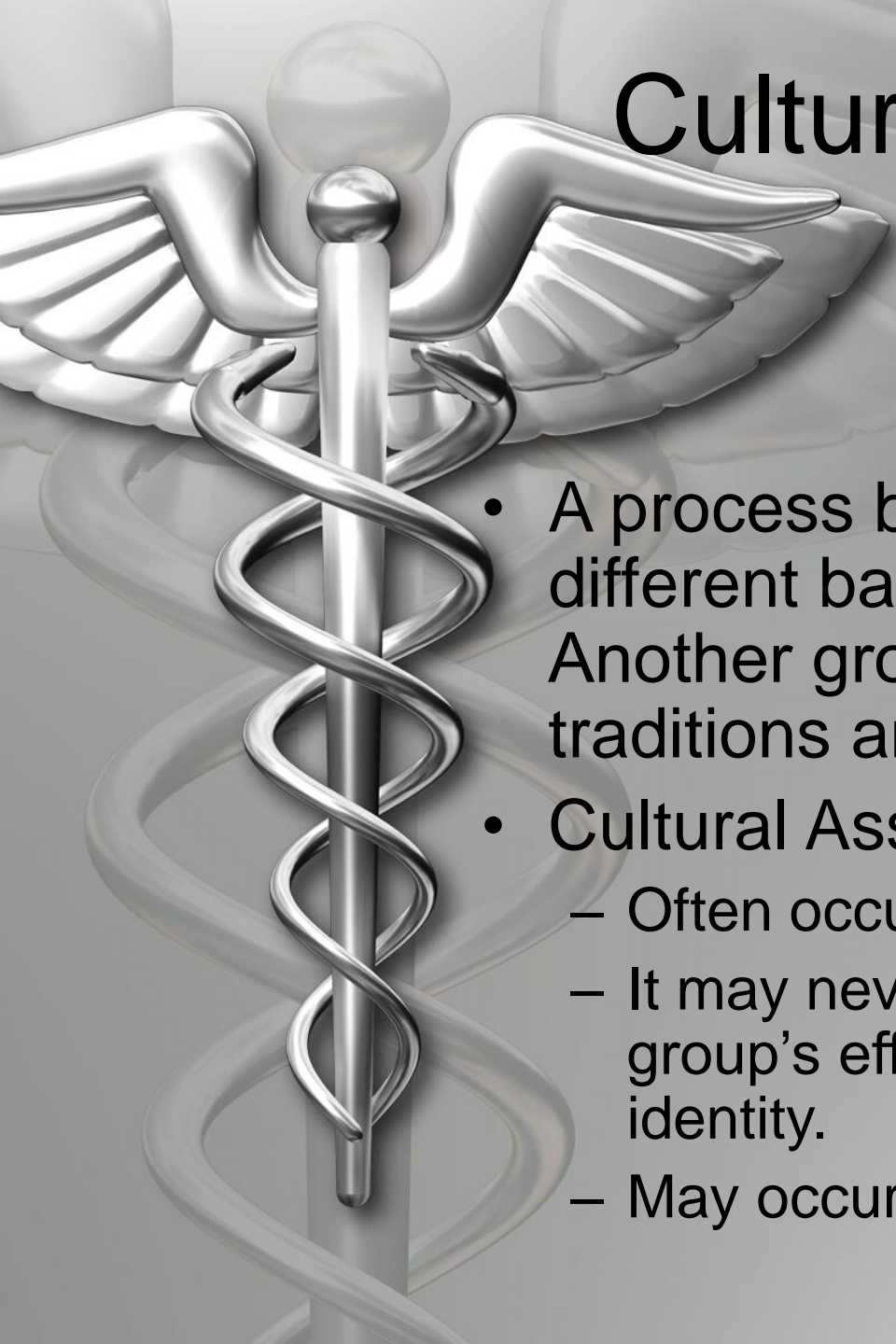# What exactly do we mean by race, ethnicity and culture?

– *Ethnicity* - An individual's identification with a particular cultural group to which they are biologically related.

What exactly do we mean by race, ethnicity and culture?

– *Culture* - A set of beliefs, values and traditions that are socially transmitted from one generation to another. It defines a group's norm's or community's identity.

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Cultural Assimilation

- A process by which persons of different backgrounds adopt Another group's main values, traditions and mores.

- Cultural Assimilation:
  - Often occurs in different stages.
  - It may never be complete due to the group's efforts in maintaining their identity.
  - May occur in degrees by choice.
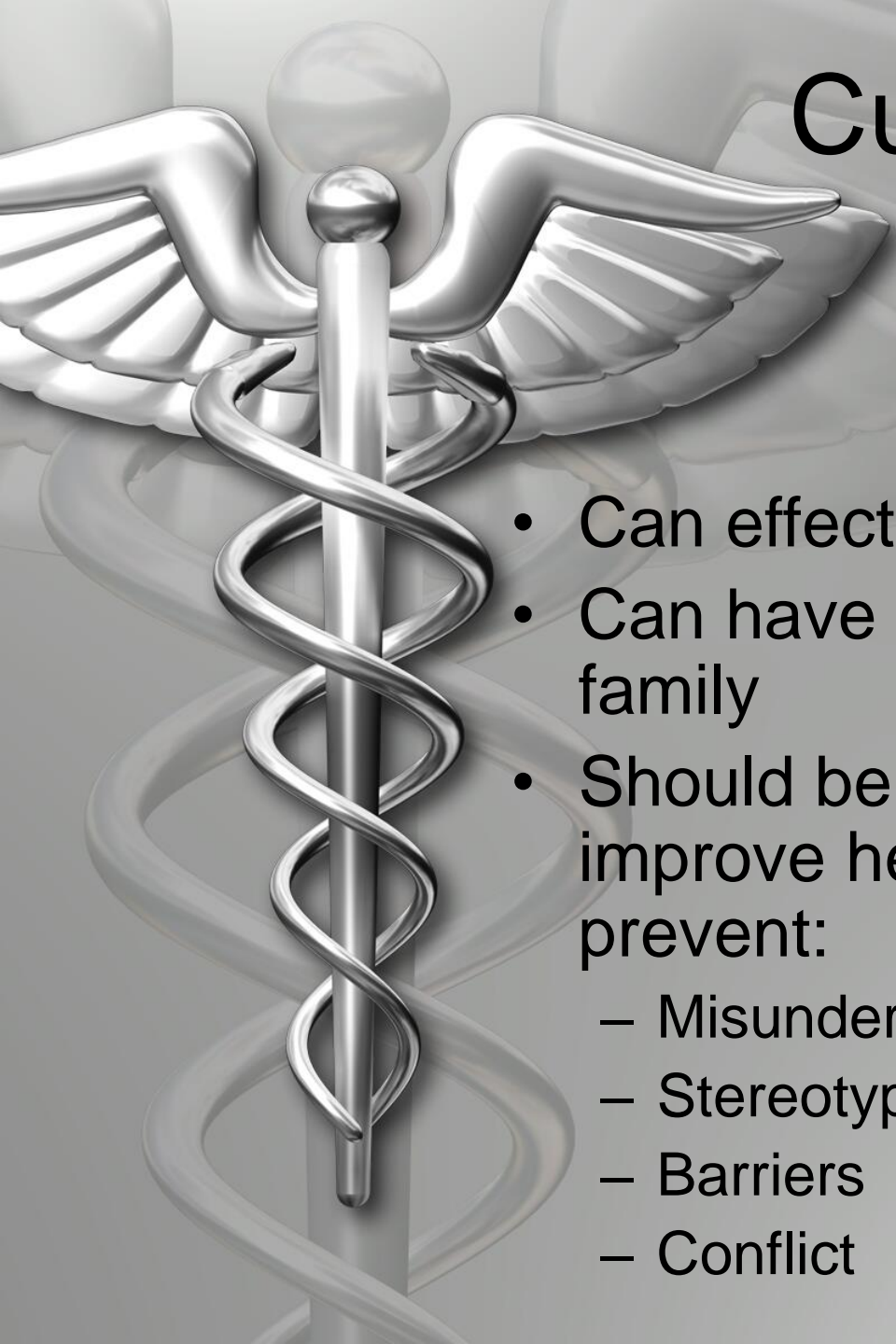
Cultural Differences

MAY INCLUDE:

- Value the family over the individual.

- Engage and expect the family's support in their self-care.

- Value the institution's that are sensitive to their cultural needs.

Cultural Differences
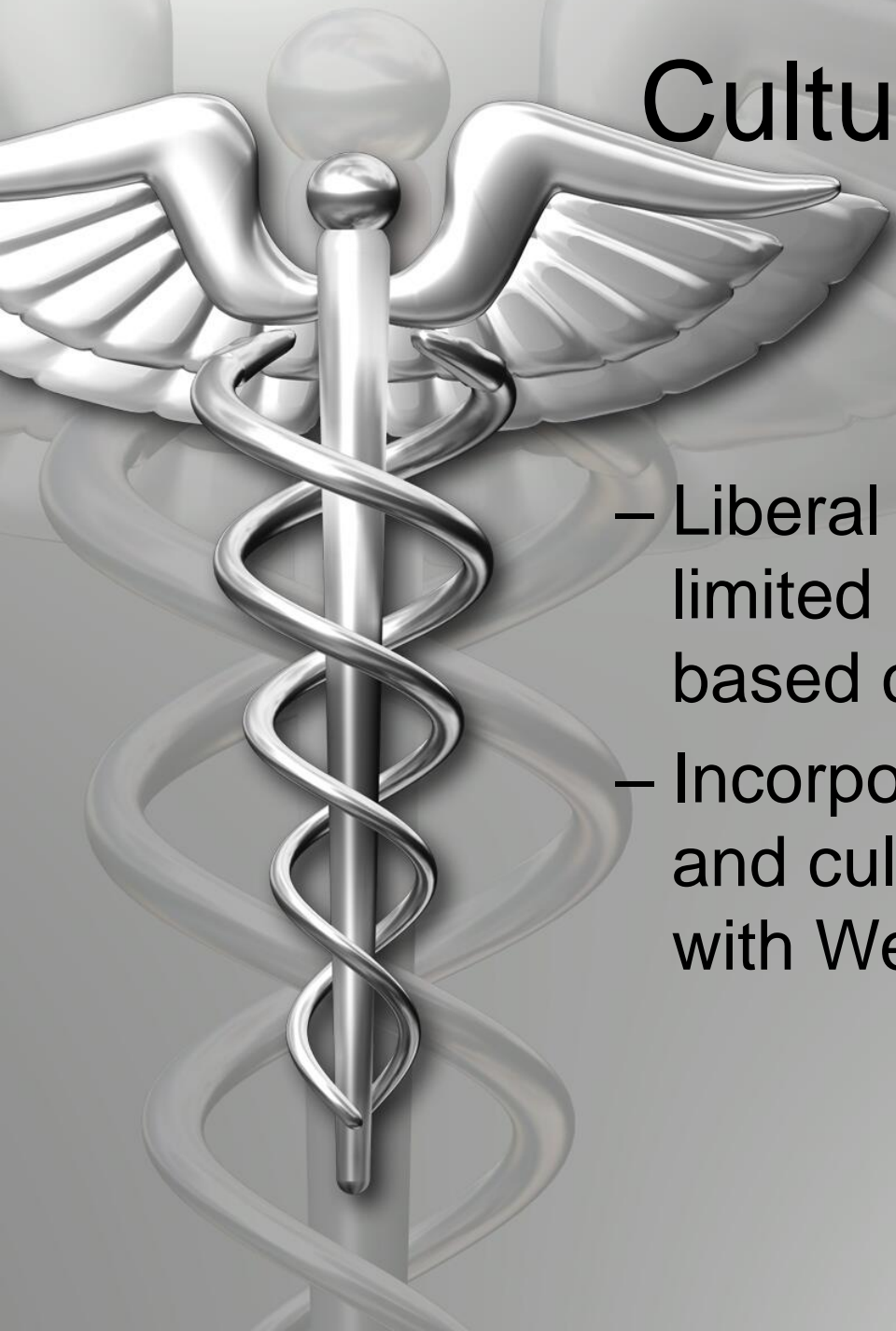
– Liberal visiting hours and an un-limited number of visitors (Family based care).

– Incorporation of religious beliefs and cultural traditions in tandem with Western medicine.

Cultural Differences

- Can effect the quality of client care
- Can have a negative effect on the family
- Should be evaluated carefully to improve healthcare outcomes and prevent:
  - Misunderstandings
  - Stereotyping
  - Barriers
  - Conflict

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Stereotypes:

Are oversimplifications to conceptions or images of what a particular group or person should look like, or how they should act by disregarding each person's uniqueness.

– Represent the end-point of one's understanding (all members of a particular group fit the same pattern or mold).

– Do not encourage further exploration of the individual or assimilation into the majority group.
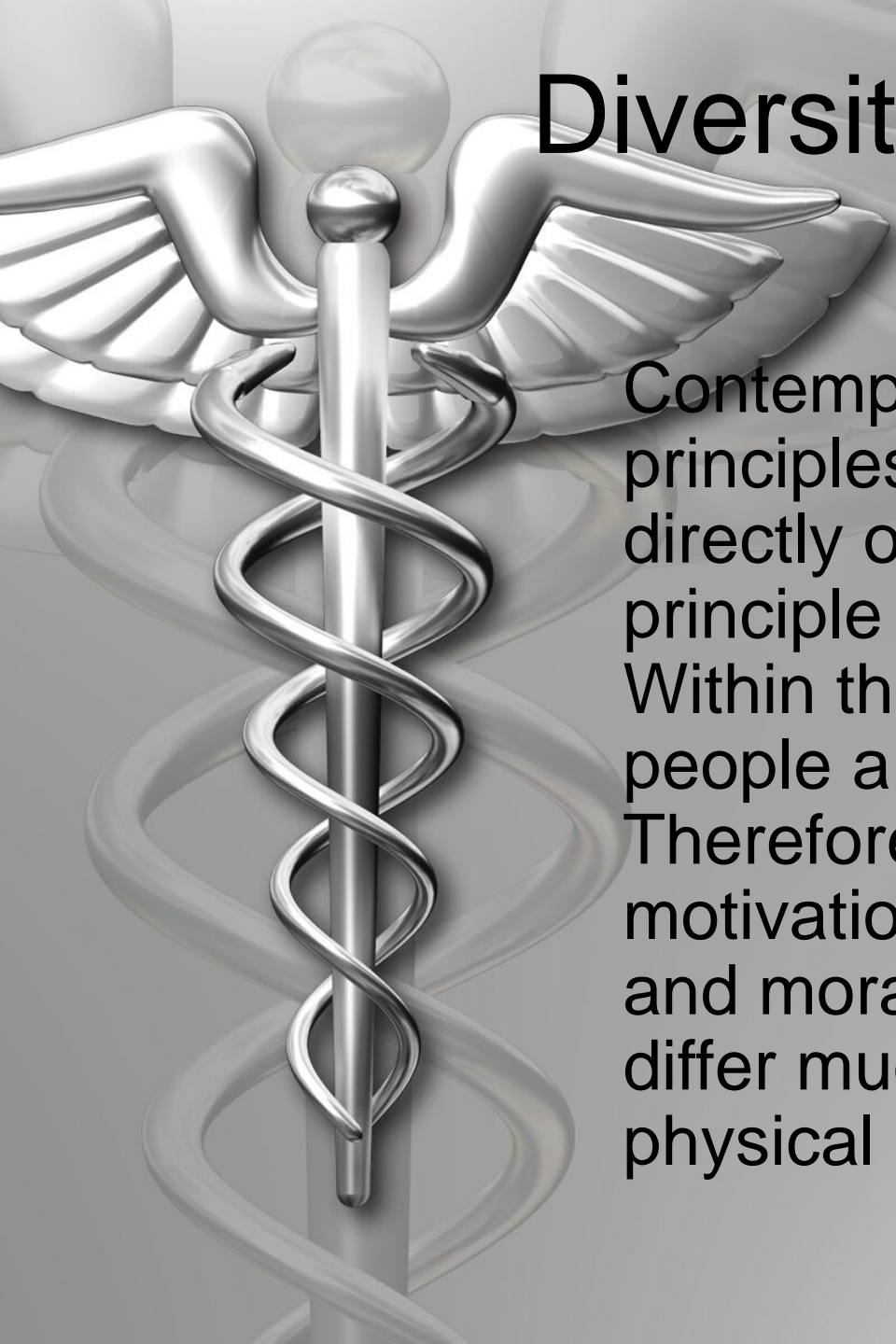
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Generalizations

- Generalizations – Statements that represent common trends in a group with the understanding that further information needs to be gathered to verify its application to a particular person.

  – Represent a starting point and have been used by anthropologists whenever they see broad patterns of similarities among groups of people.

  – May lead to inaccuracies in their application to a specific client

Generalizations

- Can assist the health care professional to introduce open-ended guiding questions. This may help the healthcare professional to identify the individual's values and cultural needs. This may profoundly improve healthcare outcomes.

Diversity & Bioethics

Contemporary bioethical principles are all derived, directly or indirectly from the principle of autonomy. Within the world, no two people are exactly alike. Therefore, their values, motivations, moral beliefs, and moral characters may differ much more than their physical appearances.

Organizational Ideas and Actions

- **Cultural Relativism**: "Everyone does it."
  - Cheating
  - Stealing office supplies
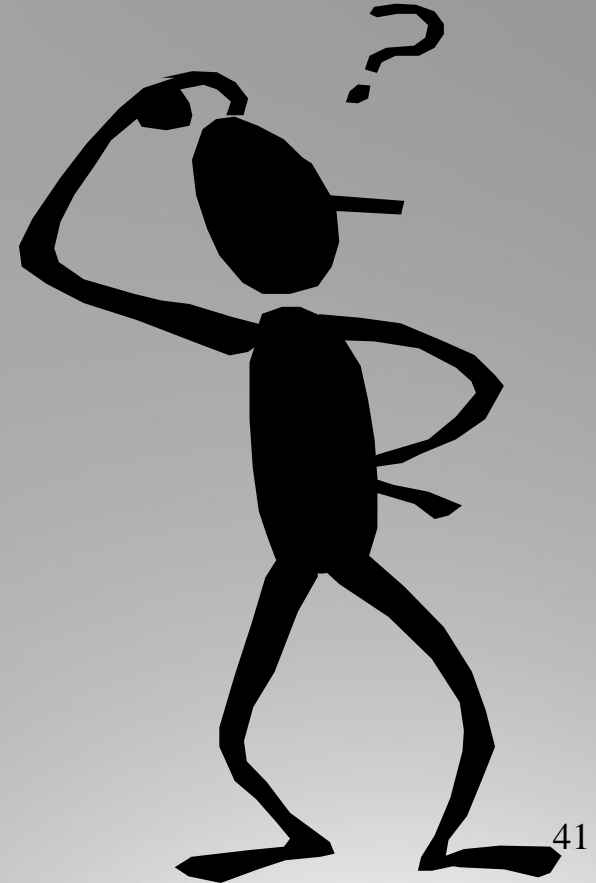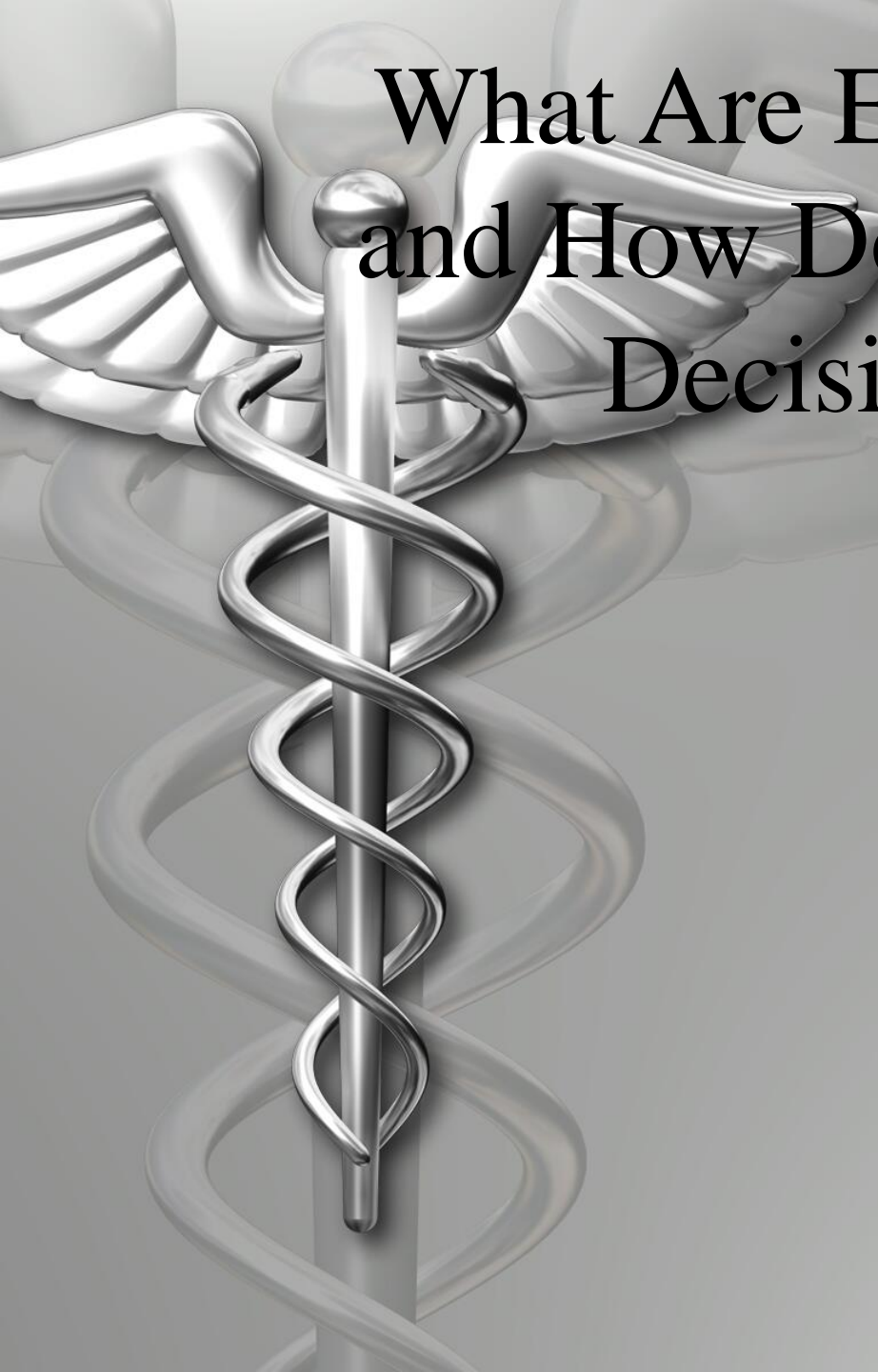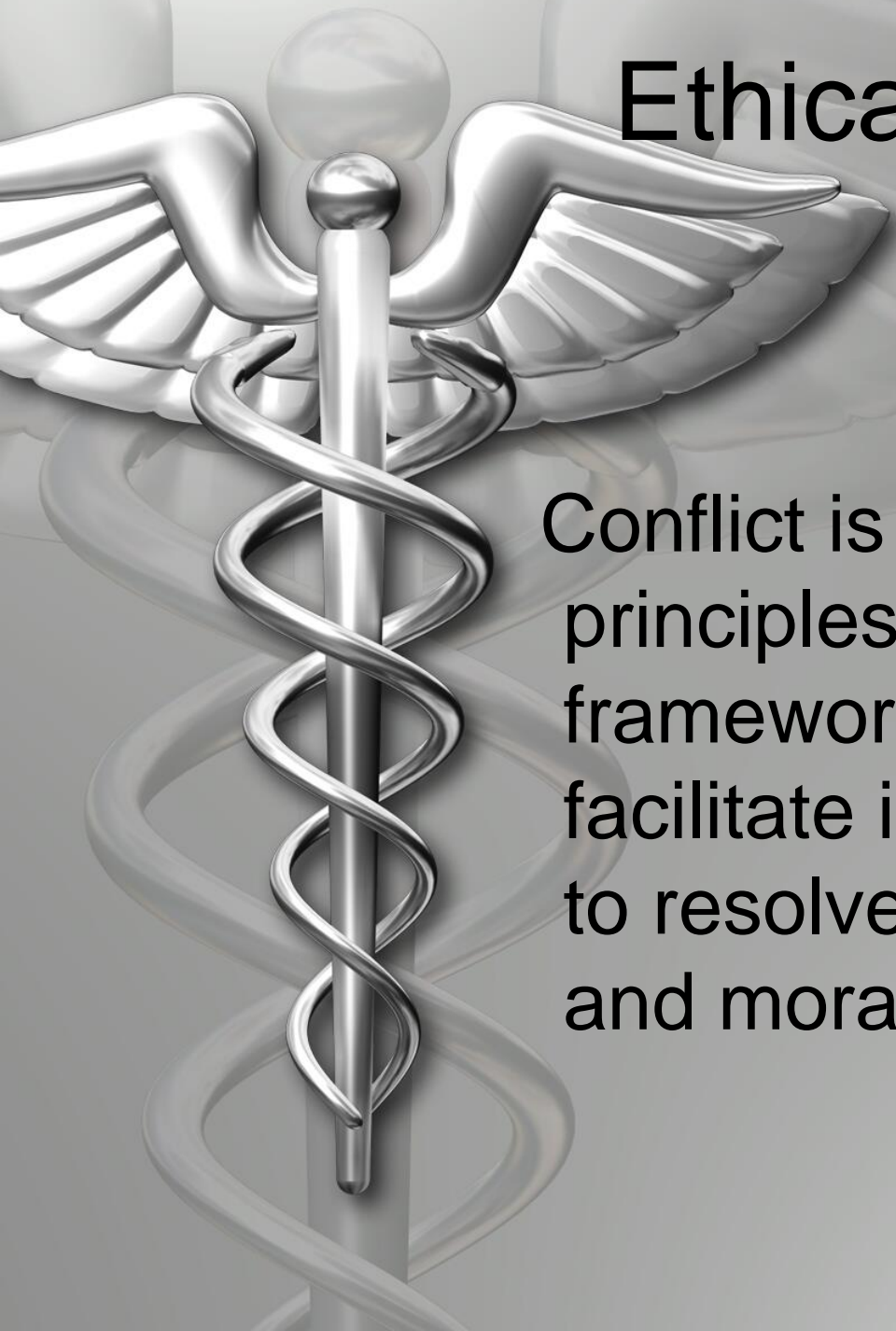 - Conducting personal business at work

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Organizational Ideas and Actions

Although "everyone does it", it still comes down to an individual's decision about how one is going to act using *or not* using ethical principles.

What Are Ethical Principles, and How Do They Help With Decision Making?

Ethical Principles

Conflict is inevitable. Ethical principles provide the framework/ tools which may facilitate individuals and society to resolve conflict in a fair, just and moral manner.

Ethical Principles

- Autonomy/Freedom
- Veracity
- Privacy/Confidentiality
- Beneficence/Nonmaleficence
- Fidelity
- Justice

Autonomy

- The right to participate in and decide on a course of action without undue influence.

- Self-Determination: which is the freedom to act independently. Individual actions are directed toward goals that are exclusively one's own.

Veracity

- The duty to tell the truth. Truth-telling, honesty.

Privacy/Confidentiality

- Respecting privileged knowledge
- Respecting the "self" of others.

Beneficence/Nonmaleficenc

- The principle and obligation of doing good and avoiding harm.
- This principle counsels a provider to relate to clients in a way that will always be in the best interest of the client, rather than the provider.

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Fidelity

- Strict observance of promises or duties.

- This principle, as well as other principles, should be honored by both provider and client.
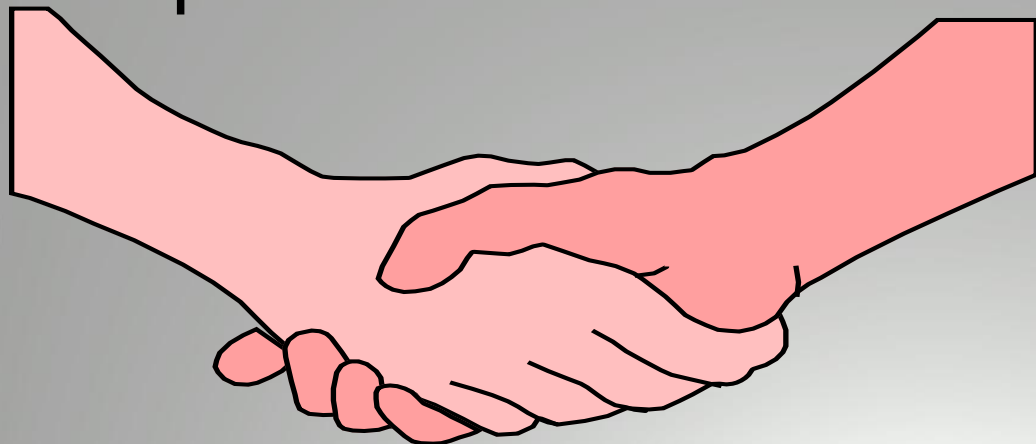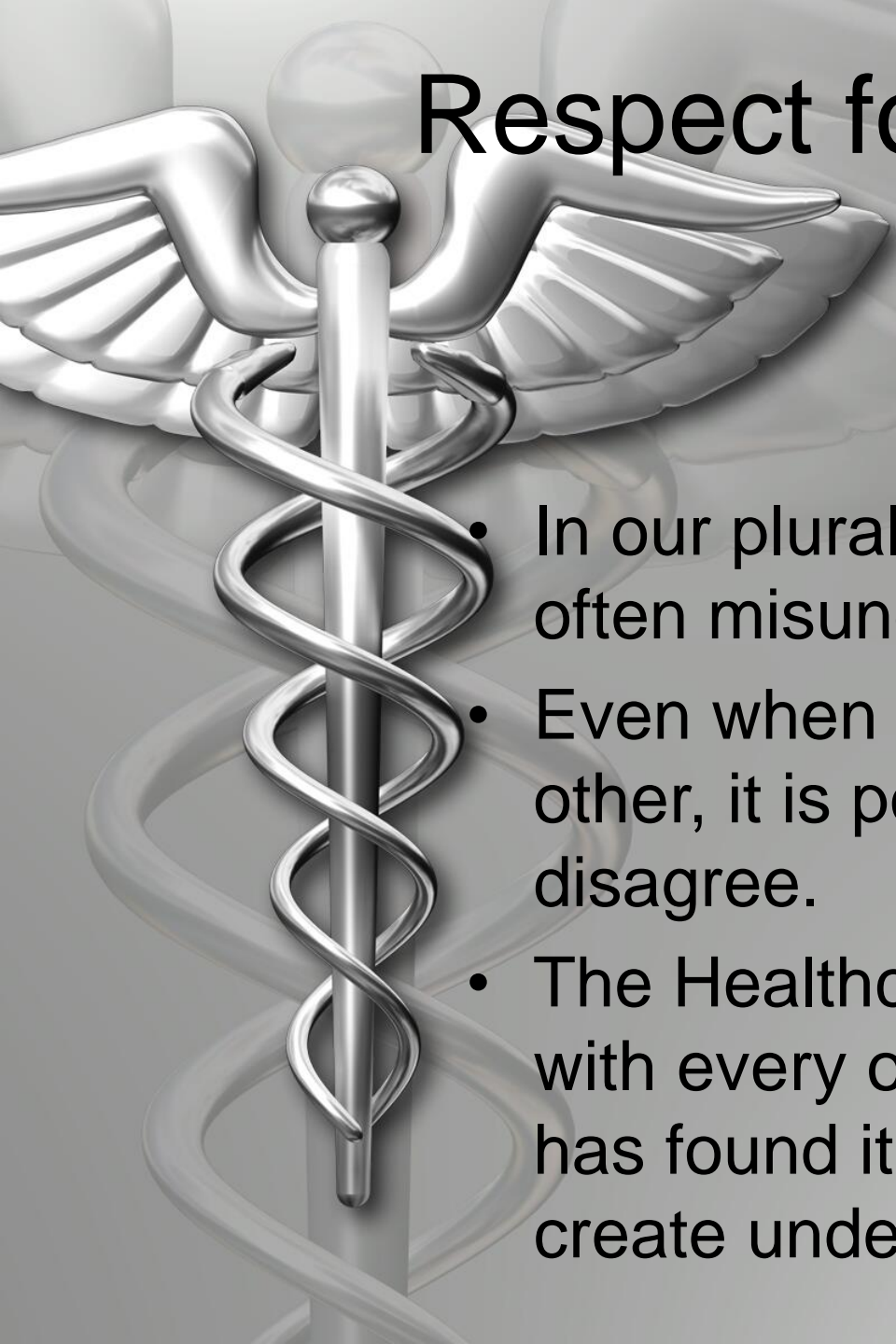
Justice
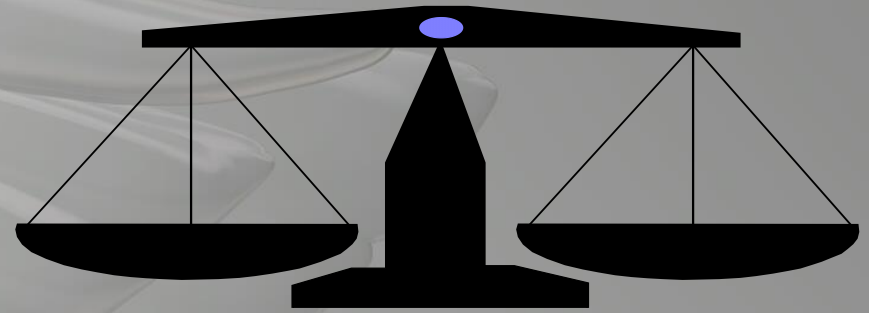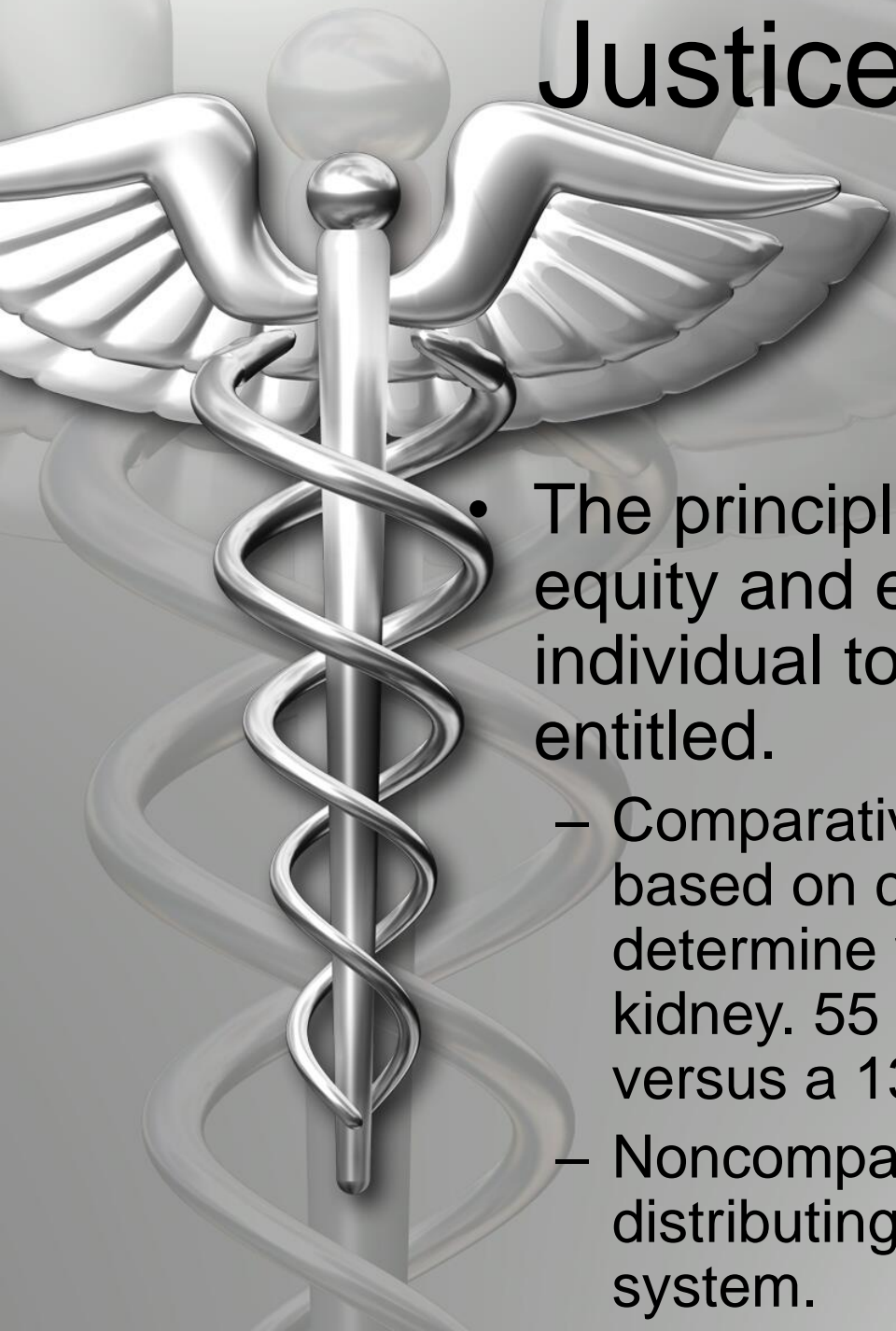
- The principle that deals with fairness, equity and equality and provides for an individual to claim that to which they are entitled.

  – Comparative Justice: Making a decision based on criteria and outcomes. ie: How to determine who qualifies for one available kidney. 55 year old male with three children versus a 13 old girl.

  – Noncomparative Justice: ie: a method of distributing needed kidneys using a lottery system.

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Why Employ Ethical Principles?

Respect for the Individual

- In our pluralistic society individuals often misunderstand each other.

- Even when they do understand each other, it is possible for them to disagree.

- The Healthcare arena, in common with every other segment of society has found it necessary to find ways to create understanding and agreement.

How to Create Understanding and Agreement?
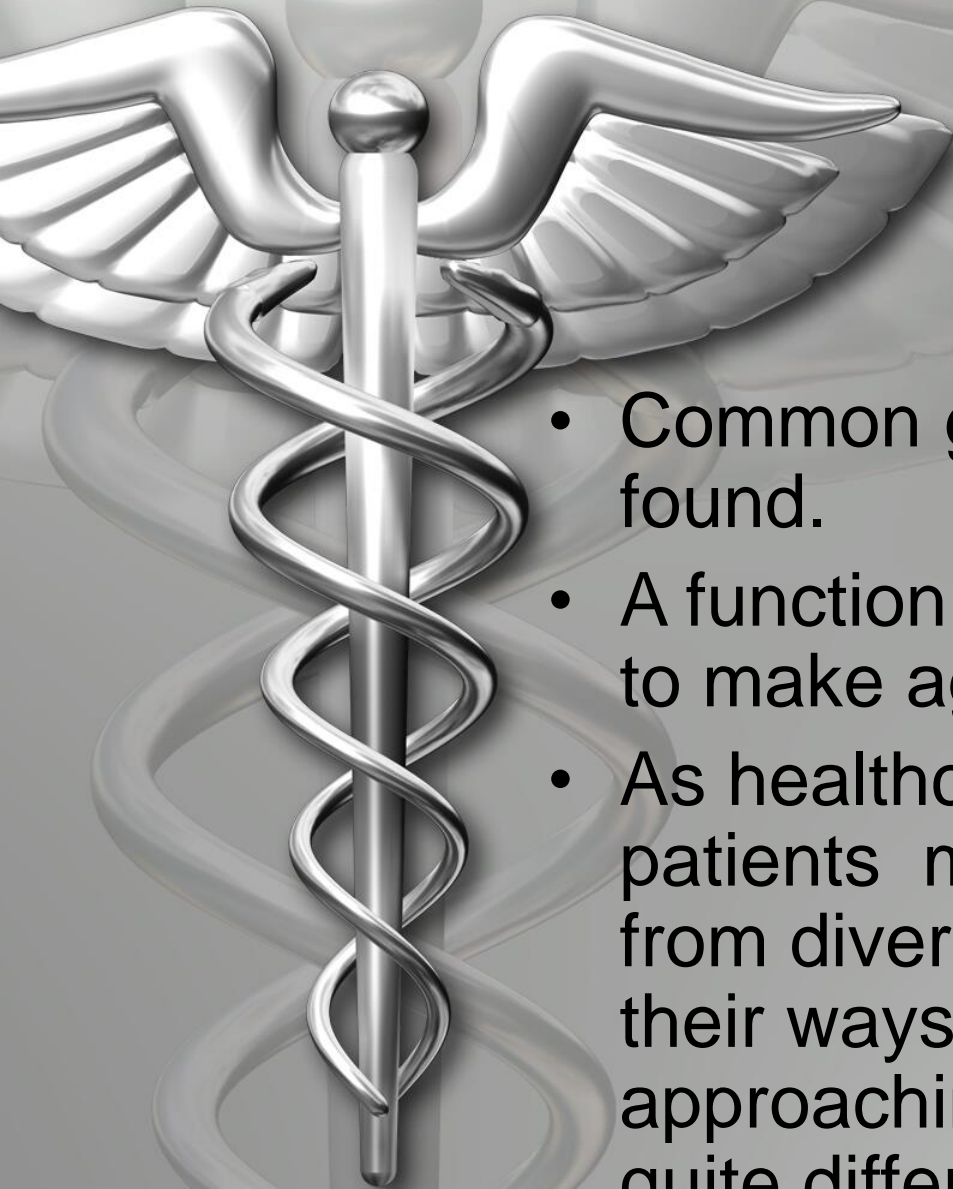
- Common ground must be created or found.

- A function of Ethics, in our society, is to make agreement possible.

- As healthcare professionals and patients meet, they meet as strangers from diverse backgrounds therefore, their ways of looking at and approaching the world are usually quite different.

Creating Harmony is Difficult In The Healthcare Arena.

- Power
- Self esteem
- Communication
- Personality/Attitude
- Education Level
- Socioeconomic Class
- Culture (which constitutes the most profound difference).
- Values

Changing Healthcare Environment

- Managed Care
- Increased Healthcare Costs
- Technology
- Baby Boomers
- Young and Old Life Spans
- Decrease in Healthy Lifestyles
- Lack of Healthcare Access/Insurance
- Feelings of Entitlements for Healthcare at a minimal personal co

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External Forces

- Political Influences/Forces
  - Immigration/Migration of the elderly
  - Medicare/Prescription drugs – life style driven
  - Decrease in extended families
  - Decrease in resources
    - Work force
    - Family Caretakers
    - Support/Finances Services in the Community
- Socio-economic Disparities – healthcare right or privilege?

How May Harmony Be Achieved?

- **Through ethical principles/behaviors, because they**:
  - Provide a unique opportunity for personal fulfillment and self respect.
  - Serve to make it possible for professionals to deal with each other on a human level with respect across all disciplines.

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Ethical Principles/Behaviors Continued:

– Serve to make it possible for professionals and clients to deal with each other on a human level with respect across all cultures and communities.

– Make it possible for strangers to achieve understanding (if agreement is not reached, toleration may be achieved).

Ethical Principles/Behaviors Continued:

– May make it possible for professional and clients to agree on and respect each others rights.

– May make it possible for this agreement to carry over into other aspects of life outside the healthcare setting where the idea of Ethics may be first introduced to the professional.

– May make it possible for provider and patient to interact on the basis of shared goals.

Cultural Values Influence Decision Making
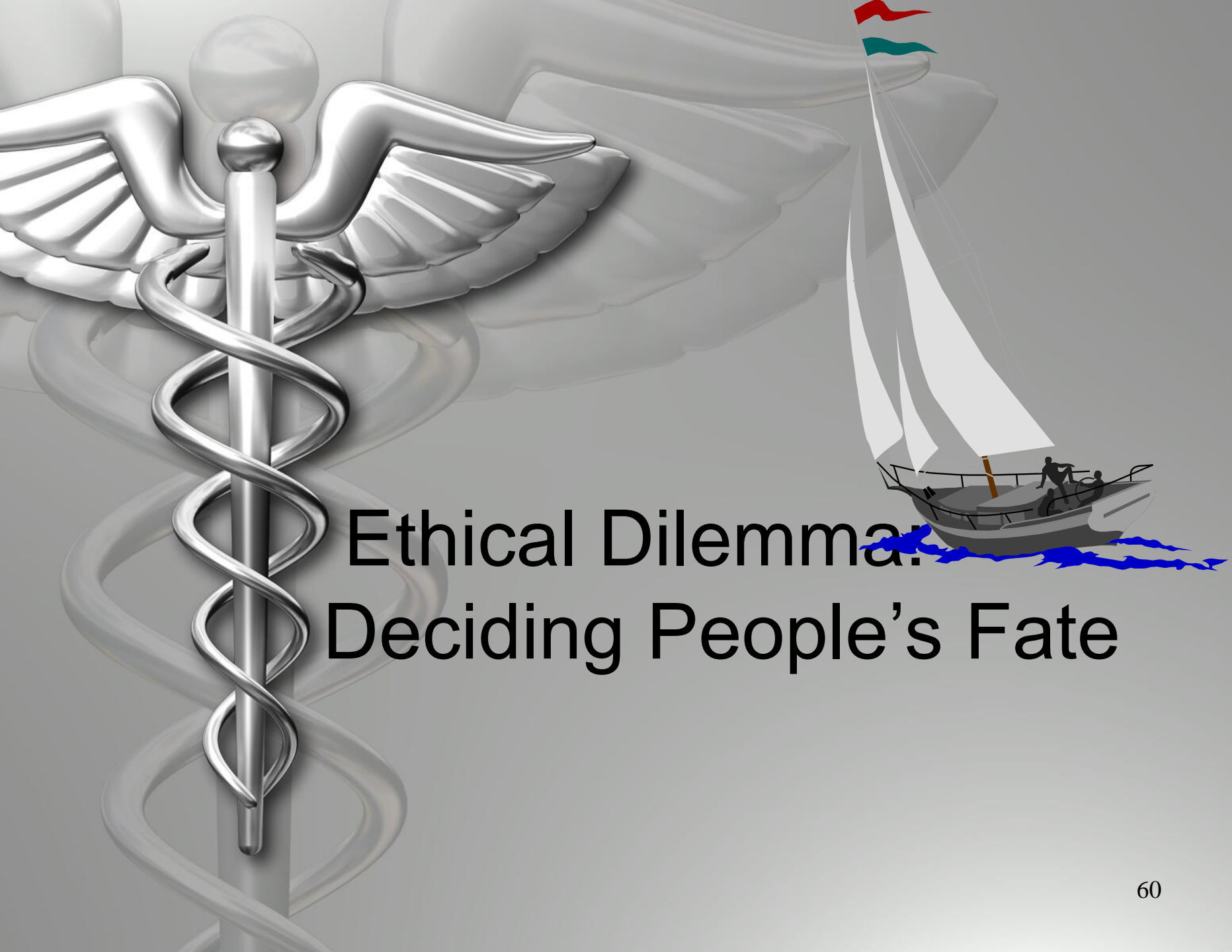
Ethical Dilemma: Deciding People's Fate
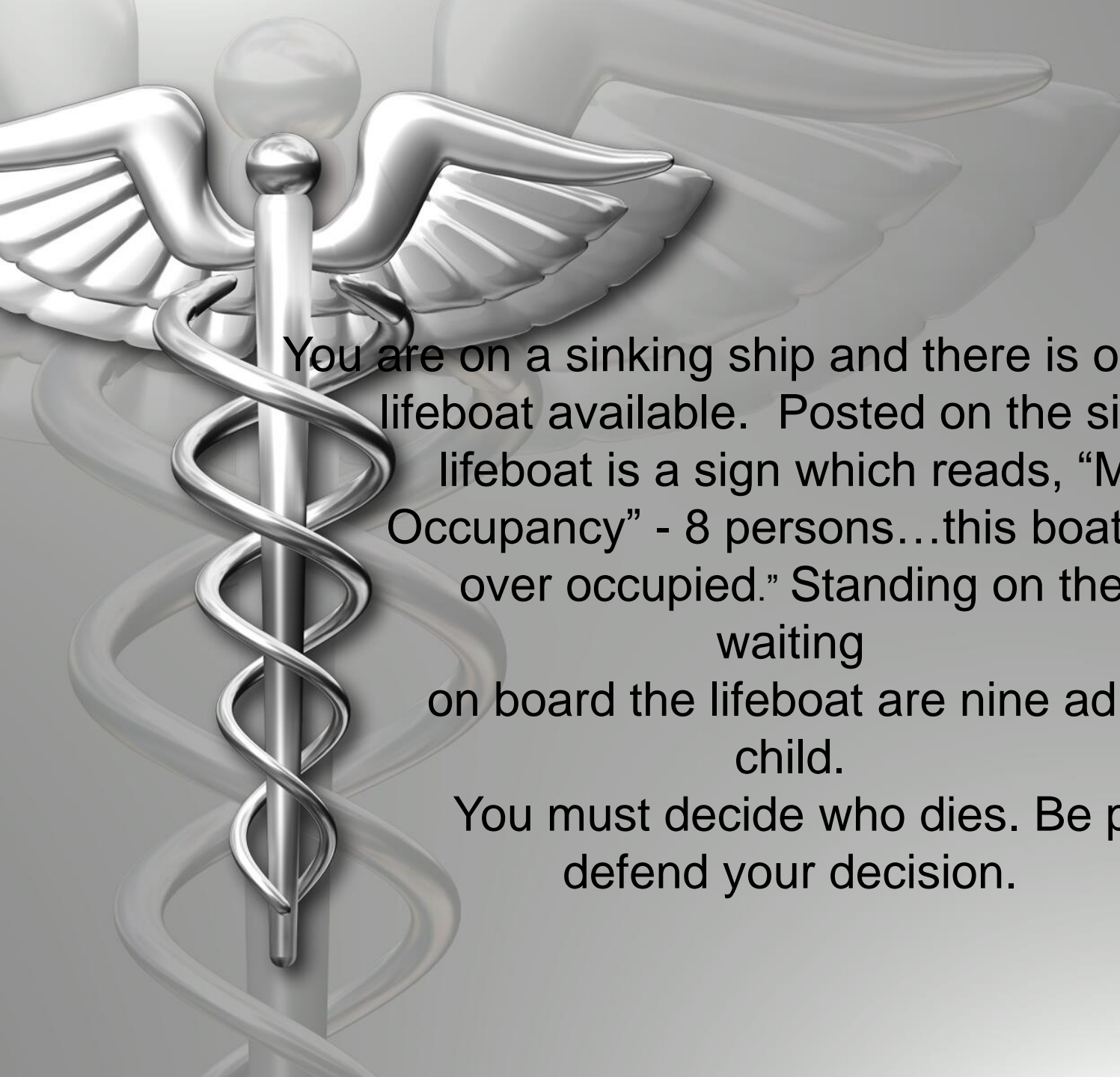
You are on a sinking ship and there is only ONE lifeboat available. Posted on the side of the lifeboat is a sign which reads, "Maximum Occupancy" - 8 persons…this boat will sink if over occupied." Standing on the deck and waiting
on board the lifeboat are nine adults and one child.
You must decide who dies. Be prepared to defend your decision.
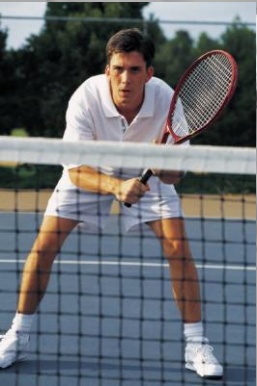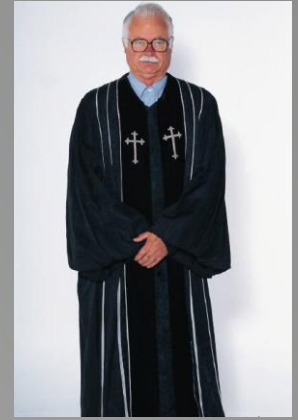
Persons on deck

- You
- A young mother and her infant son
- A 75 year old retired physician
- His 68 year old wife
- A 17 year old, pregnant girl
 (this counts as one person)
- A professional athlete (male)
- A member of the clergy
- A middle aged school teacher and
- Her husband, a banker
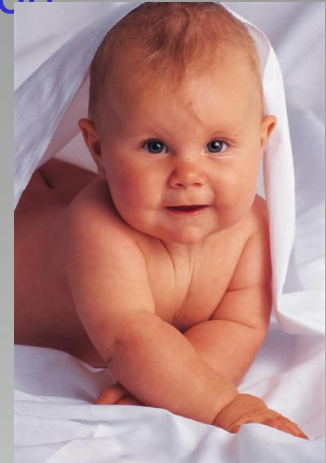
Who Boards the Lifeboat? Why?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Who goes down with the ship? Why?

1.

2.

- Does Ethics Drive the Law or Does the Law Drive Ethics?

How Ethical Principles and Laws Interface

- Patient Self Determination Act of 1990 (PSDA)

- Health Insurance Portability and Accountability Act of 1996 (HIPPA) (Implementation April 2003)

HIPAA

Health Insurance Portability and Accountability Act of 1996 (Implementation April 2003)

- Ensures privacy and confidentiality of medical records (a legal document that identifies the patient, diagnoses, and justification for treatment).

- Healthcare providers are responsible for hiring, and educating personnel to be knowledgeable of HIPAA rules and regulations governing privacy and security of medical records.

HIPAA - Continued

- Holds all healthcare providers accountable for non-consented release of medical information.

- Healthcare providers are responsible for hiring and educating personnel to be knowledgeable about HIPAA rules and regulations governing privacy and security of medical records.
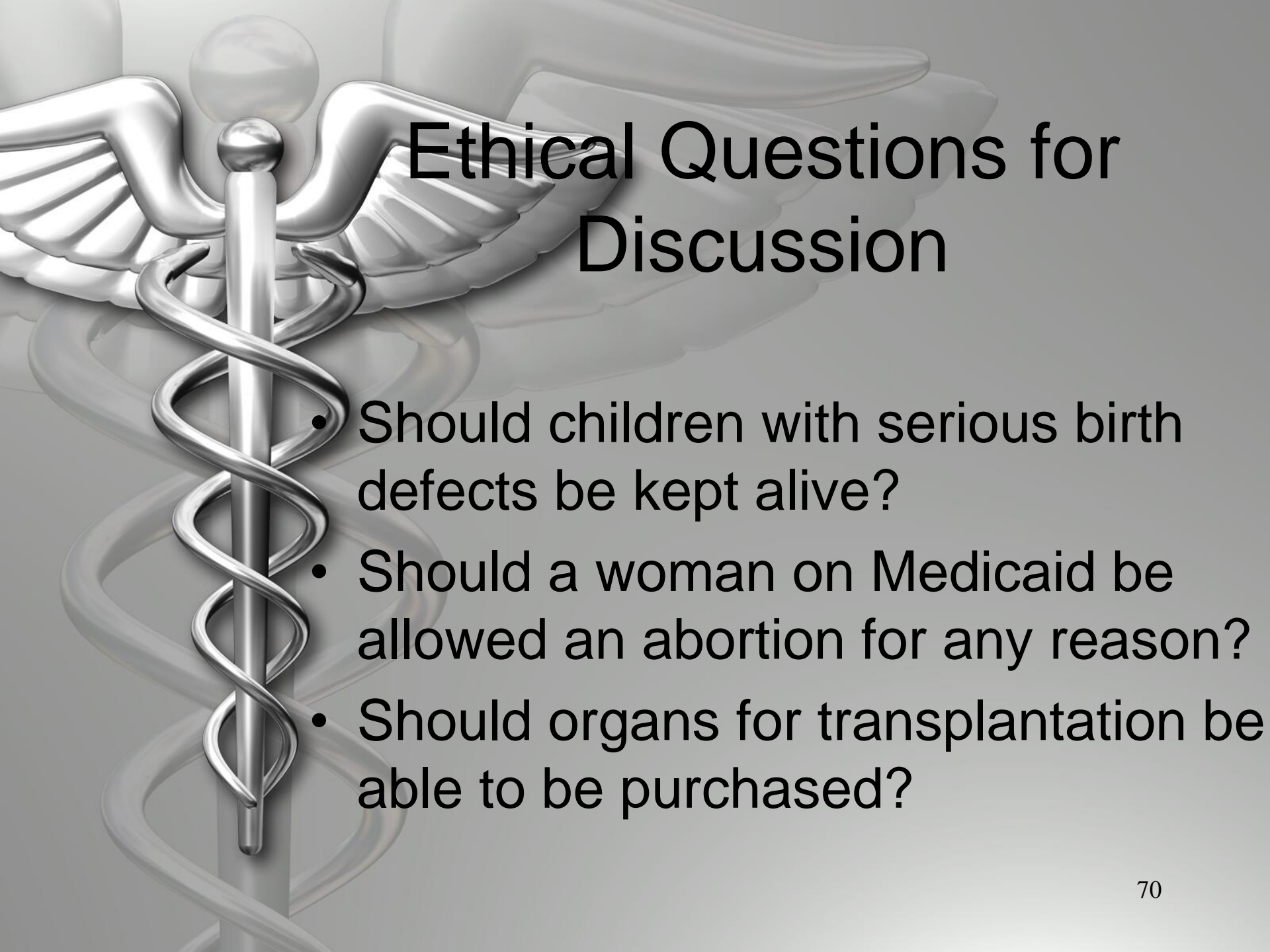
Research Driven Ethical Issues

With the advent and benefits of modern research, moral conflict is inevitable now and in the future.

- Stem Cell Research
- Research Cloning
- Genome Project Results
- Fertility Research

Ethical Questions for Discussion

- Should children with serious birth defects be kept alive?
- Should a woman on Medicaid be allowed an abortion for any reason?
- Should organs for transplantation be able to be purchased?

Ethical Questions for Discussion

- Should people suffering from a genetic disease, where future misery is predicted, be allowed to have children?

- Should individuals be allowed to use scarce healthcare resources when death is inevitable?

An Example of A Decision Making Model (ADPIE)

- **A**ssessment
  - Gather the facts/collect information from a variety of sources

- **D**iagnosis
  - Identify the problem or issue
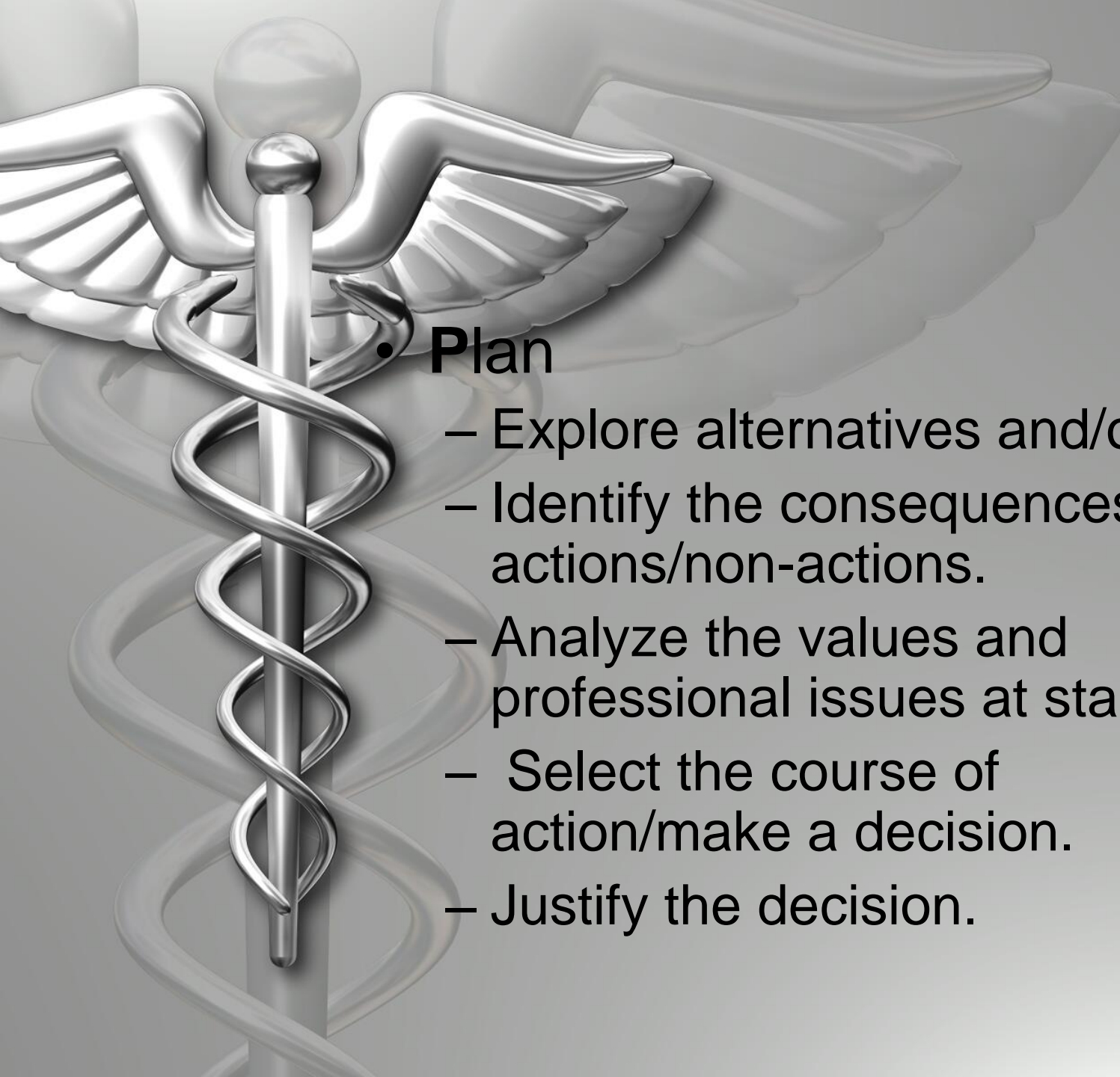
- **P**lan
  - Explore alternatives and/options.
  - Identify the consequences of actions/non-actions.
  - Analyze the values and professional issues at stake.
  - Select the course of action/make a decision.
  - Justify the decision.
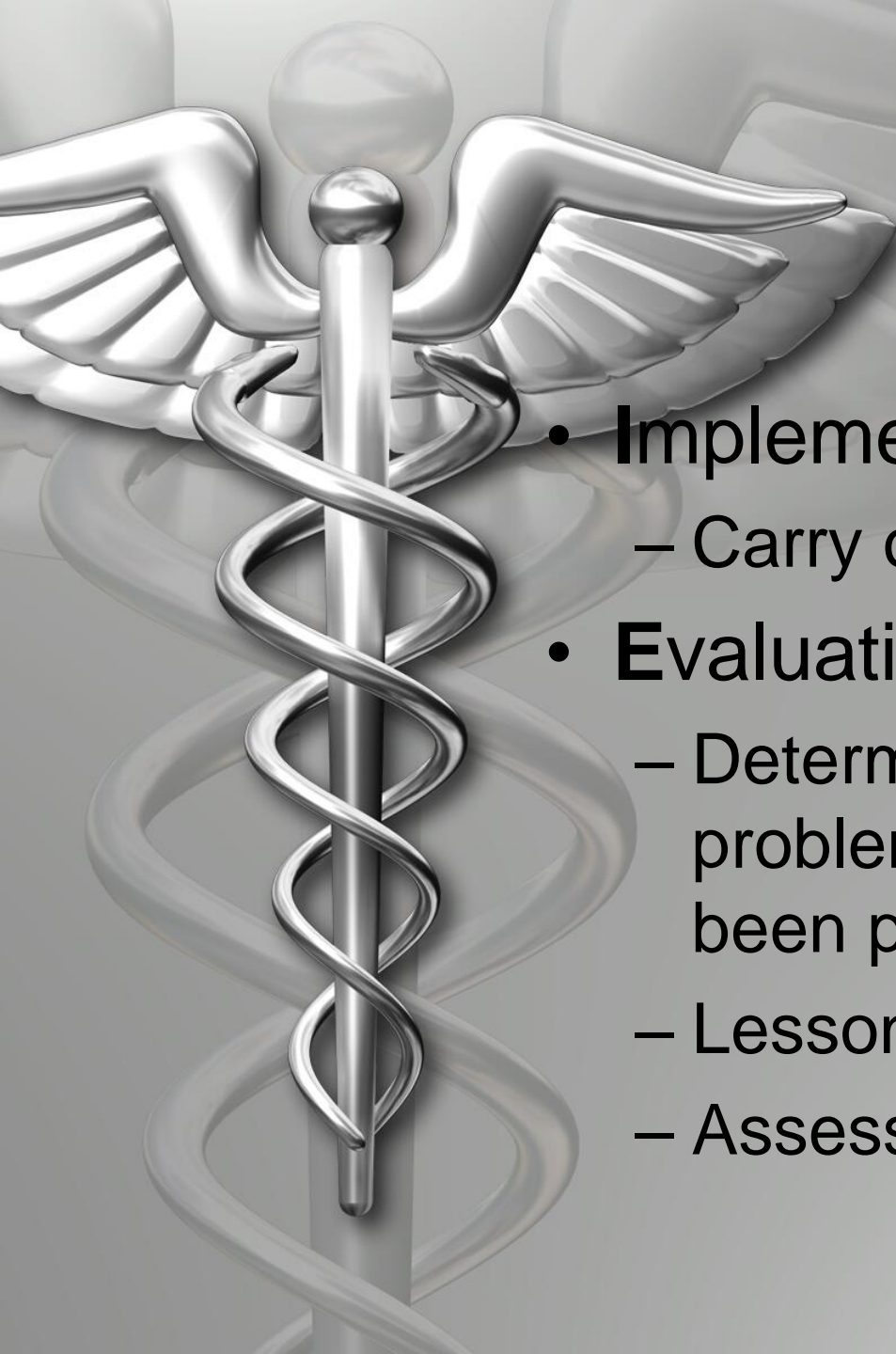
ADPIE Continued

- **I**mplementation
  - Carry out the plan.
- **E**valuation
  - Determine how this ethical problem could possibly have been prevented.
  - Lessons learned.
  - Assessment of outcomes.

Decision Making Model:
(**ADPIE)**

Diagnose

Planning

Assessment

Implementation

On-going **E**valuation

Evaluate

On-going **I**mplementation

On-going **P**lanning

On-going **D**iagnosis

On-going Assessment
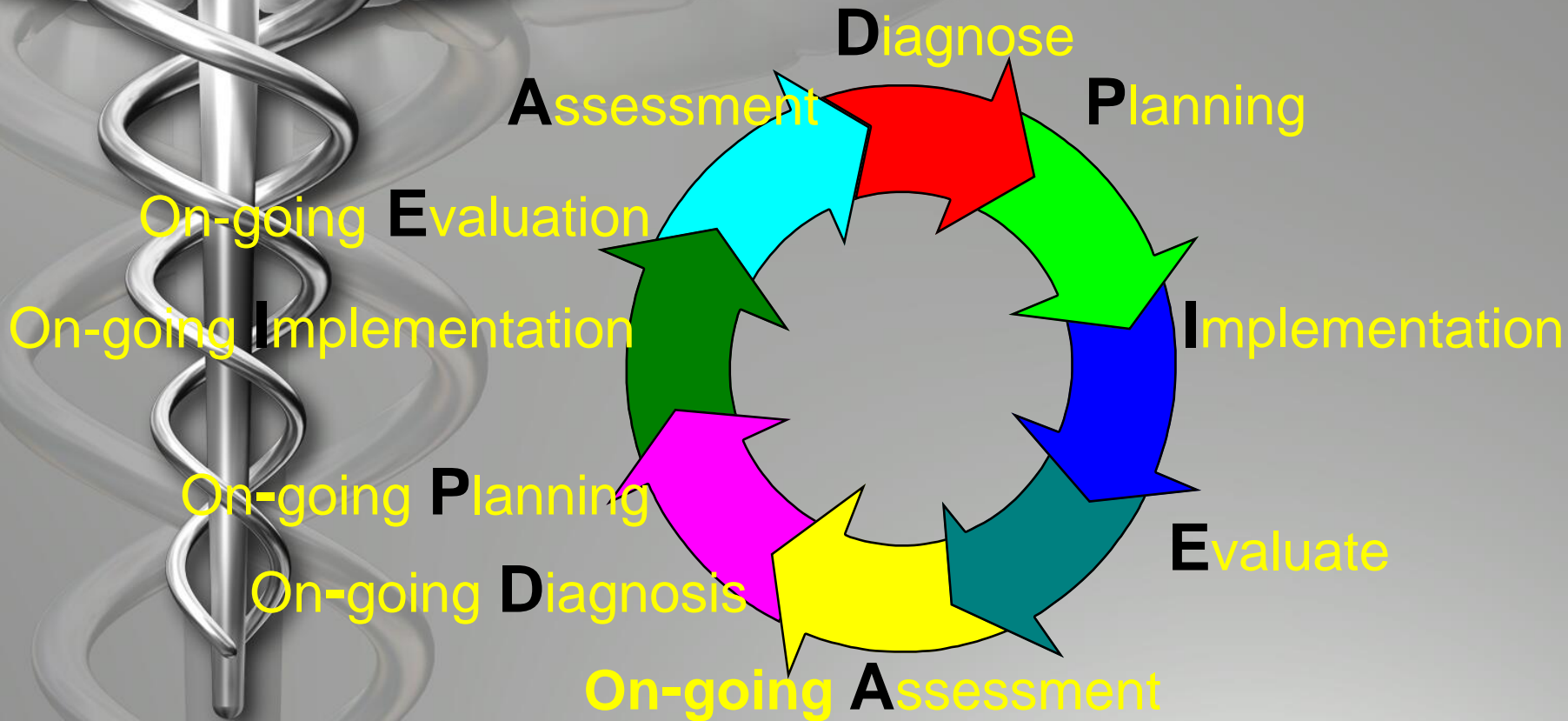
Ethical Communication

- How to explore positive communication techniques which can be used in obtaining consent for treatments (Feature Benefit Check)!

Ethics Committees

- Decision making in health care often involves more than just medical facts of the case

- Ethical principles and values will be the determining factor in which course of action to take.

- Many health care facilities have established Ethics committees.

Ethics Committees

- Found in most health care facility's
- Usually twelve to fifteen members
- Multidisciplinary members
  - A representative from the Board of Trustees
  - The facility administrator
  - The facility's director of Nursing
  - A staff nurse
  - A physician
  - An area clergy
  - A Social Worker
  - An Attorney
  - An Ethic ist (Usually a philosophy or theology professor)
  - Lay persons from the community

Functions of the Committee

- Education
  - To committee members themselves
  - Continuing education and inservice to facility's staff
  - To the community

Functions continued

- Development and review of laws, standards of care, institutional policies and guidelines
  - About withdrawing and withholding nutrition and hydration
  - Do Not Resuscitate
  - Utilization of facility's/communities resources

Functions continued

- Case Consultation with:
  - Family members
  - Patients
  - Health care providers
  - Staff
  - And their own clergy

Case Consultation May:

– Provides information about ethical principles relevant to the case under discussion

– Help clarify what options are open

– Provide information about relevant policies of the facility

– Make a recommendation that is advisory in nature

Changing Scope of Ethics Committees

- Committees are expanding their scope of their activity to include organizational ethics, considering questions regarding:
  - Finances
  - Administration
  - Organization
  - Human Resource

Expanding Scope

In the future, ethics consults may provide for the management of a health care facility just as ethics consults are now available to patients, family members, and staff for particular medical treatment decisions.

Husted's Formal Ethical Decision Making Model

Husted, G.L., & Husted, James H. Ethical Decision Making In Nursing, 1991, Mosby St. Louis, MO, pp. xi.