

Doing Ethics Consultation: The Cases Approach

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Ethics Consultation Requires:

- Ethics knowledge
- Analytic capacity
- Communication and mediation skill

- An approach to integrate all of this...

CASES

- **C**larify
- **A**ssemble
- **S**ynthesize
- **E**xplain
- **S**upport

Clarify the Consultation Request

- Characterize the type of consultation
 - What do they want?
 - Obtain preliminary information
 - Establish realistic expectations
 - Describe the process/correct misperceptions
 - Formulate the ethics question
 - “Given X (uncertainty or values conflict), what decisions or actions are ethically justifiable?”
- or
- “Given Y (uncertainty or values conflict), is it ethically justifiable to do Z (decision/action)?”

Example

- Pt lacks decision-making capacity, is on a ventilator and surrogate asks that care not be escalated. Health care team wants to continue because they think pt may recover ability to breathe.
 - ***Given the conflict between the surrogate's right to make health care decisions on behalf of the patient and the health care providers' obligation to act in the best interests of the patient, what decisions are ethically justifiable?***
or
 - ***Given the conflict between the surrogate's right to make health care decisions on behalf of the patient and the health care providers' obligation to act in the best interests of the patient, is it ethically justifiable to withdraw mechanical ventilation?***

Assemble the Relevant Information

- Consider types of information needed
 - Medical facts
 - Patient preferences/interests
 - Other parties' preferences/interests
 - Ethics knowledge
- Identify appropriate sources of information
 - Patient, surrogate, health care team
 - Policy
- Gather information systematically
- Summarize the information and ethics question
 - Distinguish facts from values...

Example

- Nephrologist states that dialysis is futile for a particular pt
 - *It isn't medically possible to dialyze the patient safely/effectively*
 - *or*
 - *Although medically feasible, she doesn't think it's appropriate given pt's cognitive status*

Synthesize the Information

- Is a formal meeting necessary?
- Engage in ethical analysis
- Identify the ethically appropriate decision-maker
- Facilitate moral deliberation about ethically justifiable options

Explain the Synthesis

- Communicate to key participants
- Provide additional resources
- Document the consultation in the medical record
- Document the consultation in ethics service records

Support the Consultation Process

- Follow-up with participants
 - What happened? Recommendations followed?
- Evaluate the consultation
 - Self-review
 - Survey
- Adjust the consultation process
- Identify underlying systems issues

Exercise: Clarify the Consultation Request

- 1. Does the requester want help resolving an ethical concern?**
 - No – not appropriate for ethics consultation
 - Yes – continue
- 2. Does the request pertain to an active clinical case?**
 - No – may be an administrative consult
 - Yes – continue
- 3. State the ethical concern**
 - Given [uncertainty or values conflict], is it ethically justifiable to [decision/action]?
 - or
 - Given [uncertainty or values conflict], what decisions or actions are ethically justifiable?

Request A

- Ms. Haddad, a nurse, requests an ethics consultation because Dr. Hayek is scheduled to perform an orthopedic procedure on his son. While Dr. Hayek usually performs this procedure, Ms. Haddad is concerned that it is inappropriate for him to operate on his own son.

Request B

- Dr. Robinson, Chief of Nephrology, requests an ethics consultation asking if it would be ethically justifiable to stop dialysis treatment in a 52 y/o patient who has become increasingly disruptive, and most recently violent, during treatment.

Request C

- Ms. Bustros, a new supervisor, request an ethics consultation because she had been approached by an employee she supervises who believes that his prior supervisor routinely denied his leave requests even though they were based on religious obligations. Ms. Bustros requests our help in finding the appropriate policies to follow in considering the employee's leave requests.

Request D

- Dr. Mellor, Chief of Cardiology, requests an ethics consultation because some cardiologists have been reluctant to disable automatic implantable cardiac defibrillators (AICDs) and pacemakers, even at the request of competent patients and/or surrogates. She is seeking ethical guidance for how her staff should think through these dilemmas.

Request E

- Ms. Johnson, a billing supervisor, request an ethics consultation because over time she has become increasingly uncomfortable with variability in billing practices between employee and non-employee patients. She feels that the current practices are ethically problematic and request help in developing ethics related content for training she is providing to her staff on this topic.

Request F

- Dr. Karam, a psychologist who specializes in post-traumatic stress disorder, requests an ethics consultation about a patient with intermittent dissociative episodes who is also a recreational pilot. Although the patient's flight safety record is impeccable, recently the patient said that after his last flight he did not remember how he got home. Dr. Karam is concerned that if he reports the patient to the Civil Aviation Authority, it will put his relationship with the patient at risk.