About this Module
This module is designed to introduce the basic concepts of ethics in health care. It is intended to stimulate discussion and reflection rather than to present comprehensive knowledge in the subject area.

This module is part of a larger VHA initiative, IntegratedEthics, which aims to help facilities create effective health care ethics programs to improve ethics quality nationwide.

Ethical concerns
If you work in health care, either providing or supporting the delivery of health care services, you may often find yourself in a situation that makes you wonder what is right or what should be done.

When this happens you may have an ethical concern.

The purpose of this module is to help you:

- Recognize ethical concerns in health care
- Respond to ethical concerns
- Know what to expect from a health care ethics consultation

What is ethics?
Ethics is the study of what is right or what should be done in the face of uncertainty or conflict about values.

By values we mean strongly held beliefs, ideals, principles, or standards that guide decisions or actions. Values come from personal upbringing, organizational mission statements, legal requirements, national and local policy, professional codes of ethics, etc.

Uncertainty or conflict about values is the same thing as an ethical concern.

Consider this…
Jim Bosko is a patient on the long-term care unit where Alma Figueroa is an aide. Mr. Bosko had one leg amputated because of complications from diabetes and has developed gangrene in his other leg.
His doctor recommends amputation but Mr. Bosko refuses, saying he’d rather die than lose both legs. The doctor believes that without surgery Mr. Bosko will probably die.

What might concern Ms. Figueroa about this situation?

Ms. Figueroa feels a responsibility to save her patient’s life.
Ms. Figueroa also recognizes Mr. Bosko’s right to refuse treatment.
So...
Ms. Figueroa faces uncertainty or conflict about values and wonders what to do.

Fred Staple is a 63-year-old dialysis patient who has been "kicked out" of his community dialysis center for bothering other patients. The next closest dialysis center is 200 miles away.

Mr. Staple’s VAMC has been providing dialysis on an emergency basis, but does not have a long-term dialysis program. Setting up a long-term dialysis center would be very costly. The Chief of Staff, Laura Romanski, must decide what to do.

What might concern Dr. Romanski about this situation?

Dr. Romanski feels a duty to provide Mr. Staple with the dialysis he needs.
She also weighs Mr. Staple’s needs against those of other patients.
So...
Dr. Romanski faces uncertainty or conflict about values and wonders what to do.

Bill Lee runs an outpatient therapy group for substance abusers.

Al Kyrios, a group member with a methamphetamine addiction, tells the group that despite his current relapse, he’s been able to continue his work as a school bus driver and no one has noticed any problems.

What might concern Mr. Lee about this situation?

Mr. Lee has an obligation to protect the confidentiality of his patients.
Mr. Lee also wants to ensure the safety of schoolchildren.
So...
Mr. Lee faces uncertainty or conflict about values and wonders what to do.

Ann Elfman is a unit clerk in an outpatient eye clinic.

Her supervisor, Bella Hayden, has developed a personal relationship with Oscar Ankh, who is a frequent clinic patient.
Ms. Hayden tells Ms. Elfman to make sure Mr. Ankh is seen right away whenever he comes in, because he is a special friend.

What might concern Ms. Elfman about this situation?
- Ms. Elfman feels obligated to do as her supervisor asks.
- Ms. Elfman also thinks it is unfair to give Mr. Ankh preferential treatment.
- So...
- Ms. Elfman faces uncertainty or conflict about values and wonders what to do.

**Ethics is everywhere**

"Ethics" comes up a lot in health care settings. In fact, ethics is a part of every decision you make. It’s not enough to ask what you can do, you also must ask what you **should** do - that is, what are your ethical responsibilities in this situation?

Your ethical responsibilities will differ depending on your role(s). For example, you have specific ethical responsibilities because you are a government employee. If you are a clinician and an administrator, you have specific ethical responsibilities relating to each of these roles.

Terms like clinical ethics, organizational ethics, research ethics, government ethics, nursing ethics, and business ethics are simply labels for different categories of ethical responsibilities that different people have. All of these responsibilities are important and need to be taken into account.

**Recognizing ethical concerns**

As an employee of a health care organization, you are likely to encounter ethical concerns in one or more of the following areas:

**Shared decision making with patients**
- The team doesn’t know who should make decisions for a patient without capacity.
  - Or
- The surrogate decision maker does not seem to be making the best decision for the patient.

**Ethical practices in end-of-life care**
The family wants to "do everything" but the health care team thinks aggressive treatment would be "futile."

Or

The family wants to withdraw artificially administered food and fluid but the team thinks the patient might recover.

Patient privacy and confidentiality

A patient doesn’t want his caregiver to know that he’s HIV positive.

Or

A patient comes to clinic complaining of blurred vision and dizziness and insists on driving home.

Professionalism in patient care

A nurse wants to have a romantic relationship with a former patient.

Or

A doctor wants to know if he can refuse to care for a "difficult" patient.

Ethical practices in resource allocation

A patient demands a very expensive non-formulary drug.

Or

A patient has to travel over 200 miles for a routine treatment.

Ethical practices in business and management

A billing clerk is instructed by her supervisor to alter a financial report.

Or

A manager is tempted to withhold information about his unit’s poor performance from headquarters.

Ethical practices in the everyday workplace

A budget analyst overhears her co-worker lying to her boss.

Or

A supervisor uses disrespectful language when communicating with staff.

Ethical practices in government service

The service chief’s son is interested in applying for a summer job in his department.

Or

An employee is asked by a friend to write a reference for a private sector job on government stationery.

Ethical practices in research
• An IRB wants advice on when and how to inform the subjects of a research protocol about study results.

Or

• A researcher is unsure about how to resolve a conflict about authorship on a research publication.

**Responding to ethical concerns**

Everyone should be concerned about ethics. A shared commitment to addressing ethical concerns is a key characteristic of strong health care organizations because ethics is an essential part of health care quality. Even if you are not directly involved in a decision, you may still have an ethical concern. If you do, you should not hesitate to talk to your supervisor or your peers.

If you are directly involved in an ethical decision, your responsibility goes further. You need to approach the concern systematically. Here are some steps you can take on your own when you must make a decision that raises ethical concerns:

• Make sure you have the facts straight

• Identify relevant ethical standards

• Apply the standards to resolve the concern

For example...

**Consider this…**

Suppose you have a patient who has dementia and a hip fracture. Your patient’s son says he wants his father to undergo surgery, but your patient’s daughter disagrees. To **make sure you have all the facts straight** you should:

**Confirm that the patient lacks decision-making capacity**

Not all patients with dementia lack decision-making capacity. That’s why it’s important to confirm that the patient lacks decision-making capacity - otherwise, the patient can make his own decision about surgery.

**Identify the authorized surrogate(s)**

If the patient lacks capacity, the practitioner must seek and identify the authorized surrogate(s) according to the priority order described in VA policy. For example, if this patient had a wife who was available and willing to serve, she would be the authorized surrogate, instead of the son or daughter.

**Read the patient’s advance directive, if he has one**
It’s important to review the advance directive to determine whether the patient appointed a health care agent, and whether he expressed specific preferences to guide the surrogate’s decision.

**Meet with the patient’s son and daughter**

When conflicts arise, you should not rely on second hand information. The only way to ensure that you have all the facts straight is to talk directly to those involved.

You confirm that the patient lacks decision-making capacity, the son and daughter are the only potential surrogates, and they disagree about the surgery. The advance directive does not name a health care agent, but states that the patient would not want life-sustaining treatment if he had “serious, permanent brain damage.” To **identify relevant ethical standards** you should:

**Review your local policy on informed consent**

If there are policies or procedures that relate to the situation, you should review them. This can often help to resolve an ethical concern.

**Consider your profession’s code of ethics**

If you are a health care provider, you should be familiar with your profession’s code of ethics and/or position statements, as they can provide useful guidance.

**Reflect on your organization’s mission and values**

It also can be useful to review and reflect on your organization’s mission and values, organizational goals and strategies, or other guiding principles to see if they help inform your decision.

**Ask an expert if you have legal, spiritual, or clinical questions**

Finally, it is important to recognize the limits of your knowledge and seek professional advice when appropriate.

Legal and ethical standards require that surrogates base their decisions on the patient’s values and wishes to the extent they are known. That is, surrogates must determine what the patient would have wanted if he were capable of expressing preferences. To **apply the standards to resolve the concern** you should:

**Explain the responsibilities of a surrogate to the son and daughter**

It’s important that surrogates understand that their role is to ensure that decisions are made on the basis of the patient’s values and preferences, if they are known. If they are not known, decisions should be made on the basis of what is in the patient’s best interests. Decisions should not be made on the basis of the surrogate’s own beliefs.

**Clarify the patient’s previously expressed wishes**
In this case, the patient has an advance directive which states that he would not want life-sustaining treatment if he had "serious, permanent brain damage." This request should guide the surrogates in their decision about their father’s care. The surrogates may need help from the medical team to interpret whether their father’s dementia is serious, permanent brain damage.

Try to resolve the conflict by focusing on what the patient would want

When more than one person is authorized to serve in the role of surrogate, conflicts may arise. Encourage the surrogates to focus on what the patient would have wanted, using the patient’s advance directive and any other evidence that is available to clarify those wishes.

If consensus cannot be reached, determine which surrogate is best able to speak for the patient

Where there are multiple surrogates at the same priority level in the hierarchy and consensus cannot be reached, the practitioner must choose the surrogate who is best able to speak for the patient, and document the reasons for choosing that individual. In cases where the choice is unclear, the practitioner must consult with the local ethics program and/or Regional Counsel.

When should you request an ethics consultation?

Sometimes an ethical concern is not resolved by making sure you have all the facts, identifying relevant legal and ethical standards, and applying those standards. When you are unable to resolve an ethical concern in these ways, it may be appropriate to request a health care ethics consultation.

Every VHA health care facility has an ethics consultation service: staff with special knowledge and skills relating to ethics in health care.

This service responds to requests from staff, patients, and families to help them identify, understand, and resolve ethical concerns.

What to expect from an ethics consultant

The process of ethics consultation will vary according to the facts of the case, but in general you can expect an ethics consultant to:

- Ask you about your concern
- Gather additional information about the situation
- Clarify the values of those affected
• Summarize the information for everyone involved
• Identify the range of possible options
• Help decision makers understand and make ethical choices
• Follow up with you at the end of the process

The role of the ethics consultant is to provide support and advice; the final decision is
made by the responsible decision maker(s) in the case.

What not to expect from an ethics consultant

Some people have misconceptions about what ethics consultants do. It is important to
recognize that ethics consultants do not:
• Take over decision making
• Play favorites
• Assign blame
• Punish anyone
• Give legal advice
• Impose their personal values on others

Ethics consultation is part of health care quality

In VHA, requests for consultation on ethical concerns are routine, expected, and
encouraged.

All VHA staff are expected to address ethical concerns and seek help when appropriate.
Asking for an ethics consultation can help involved parties work through the ethical
concerns. It does not imply that anyone is behaving unethically.

If you have an ethical concern, you can and should do something about it!
To sum up…

- It is important to be able to recognize and respond to **ethical concerns**.
- You have an ethical concern if you are facing **uncertainty or conflict about values**.
- **Values** are strongly held beliefs, ideals, principles, or standards that guide decisions or actions.
- In health care, ethical concerns often relate to shared decision making with patients, ethical practices in end-of-life care, patient privacy and confidentiality, professionalism in patient care, ethical practices in resource allocation, ethical practices in business and management, ethical practices in the everyday workplace, ethical practices in government service, and ethical practices in research.
- Ethical concerns can often be resolved by **making sure you have the facts straight, identifying relevant ethical standards**, and **applying those standards**.
- Refer unresolved ethical concerns to your **ethics consultation service**.

Consider this…

Now that you know how to identify an ethical concern and what to do when you have one, consider this case:

Mr. Singer is a 67-year-old inpatient with a brain tumor that has just been biopsied. The pathology report shows that the tumor is malignant. Mr. Singer’s family is coming to visit him in a few days. He intends to tell them that the tumor is benign, and requests that the members of his health care team follow his lead and play along.

Discuss this case with your colleagues:

- What is the values uncertainty or conflict?
- What should the health care team do?
- Should they request an ethics consultation?
More Information

For more information or if you have questions or comments regarding the IntegratedEthics initiative, please contact:

National Center for Ethics in Health Care
Veterans Health Administration (10E)
810 Vermont Avenue, NW
Washington, DC 20420

Tel: 202-501-0364
Fax: 202-501-2238

Email: IntegratedEthics@va.gov

Support

For additional support, contact the VA LMS Help Desk at VALMSHelp@va.gov or Monday through Friday between 8am and 10pm EST at 1(866) 496-0463.