Rock, Paper, Scissors:
Making an Ethical Decision

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Objectives

- Discuss events leading to development of Ethics Committees.
- Define ethics and the difference among clinical and organizational ethics.
- Describe the ethic principles and methods of decision making.
- Identify the role of the nursing Code of Ethics in the world of today’s nursing.

Historical Background

- Medical Research on Human Subjects
- Technological Advancements
- State and Federal Cases
- Health Facility Accreditation Standards

Medical Research

- Nuremberg Doctors Trial (1946)
- Helsinki Act (1973)
- Thalidomide Tragedy (1958-1965)
- Tuskegee Syphilis Study Expose’ (1930-1971)
- The Belmont Report (1979)
**Technological Advancements**
- Hemodialysis and Treatment Committees
- Harvard Brain Death Criteria
- Bioethics Research Centers
- President’s Commission for the Study of Ethical Problems in Medicine and Medical and Bio-Behavioral Research

**State and Federal Cases**
- 1976—Karen Ann Quinlan—Prognosis Committee
- 1980s—“Baby Doe”—Infant Care Review
- Maryland requires Ethics Committees
- AMA, CHA, and AHA recommend Ethics Committees
- 1991—Patient Self Determination Act

**Health Facility Accreditation**
**The Joint Commission Requires Standards for:**
- 1988—Do Not Resuscitate Policies
- 1990s—Patient Rights
  - "Mechanism" for Ethical Issues
- 1998—Organizational Ethics
- 2008—Code of Conduct

**Ethics Committee Roles**
- Education
  - Self education
  - Staff education
  - Community education
- Policy Analysis/Development
- Case Consultation
- Case Review

**Today's Ethical Conflicts**
- Healthcare Business Interests
- Patient’s & Family’s Interests/Needs
- Professional Healthcare Providers Interests

**Ethics Definitions**
- Ethics
- Clinical—Bio-Medical
- Organizational
Definition of Ethics

“Ethics is a systematic and disciplined process of reflecting on and understanding the moral dimensions of how humankind ought to act in light of who we are as creatures created in the image and likeness of God.”

Clinical Ethics Definition
Bio-Medical Ethics

“Clinical ethics is a disciplined process of incorporating ethical reflection upon the specific encounters between health care providers and patients, residents or clients.”

Organizational Ethics Definition

“Organizational ethics is a disciplined process for incorporating ethical reflection and practices into the life and work of an organization. Organizational ethics addresses the systems, processes and structures that ultimately frame the encounter between healthcare providers and patient/resident/client.”

Ethical Principles

- Beneficence—"do good"
- Least Harm—nonmaleficence
- Autonomy
- Justice
- Honesty—"truth telling"
Ethical Decision Making

- Define the Issue
- Frame the Perspective
- Analyze the Values
- Identify the Alternatives
- Make a Decision
- Implement the Decision
- Evaluate the Decision

Define the ISSUE

- Establish the facts
- who, what, where, when, why, how
- Describe relevant factors
- social, economic/financial, political, legal, market

“Just the facts, Ma'am”

Joe Friday

Frame the Perspective

“Each of us tends to think we see things as they are, that we are objective. But this is not the case. We see the world not as it is but as we are—or—as we are conditioned to see it.”

Stephen Covey

Frame Perspectives cont'd

- Clarify perspectives:
  - how do you see this issue?
  - name the perspectives of the participants
- Insight
- Identify and appreciate the perspectives of others

Analyze the Values

- Analyze the conflicting values within a problem
- Determine the major value conflicts

Identify the Alternatives

“Why sometimes I think of six impossible things even before having breakfast”

Lewis Carroll

- ID all possible alternatives
- Look at options
- What are pros and cons of each option including doing nothing
**Make a Decision**

“Not to decide is to decide.” — Anonymous

- Choose a path among the possible alternatives
- Even though it may not be possible to decide upon one option which is perfect, it is critical to choose an option which all stakeholders can live with

**Implement the Decision**

“Sometimes the answer which may be apparent to some is not always obvious to everybody.” — Charles Osgood

- Identify a process for carrying out the decision
- Who will implement?
- How and when will the decision be communicated to stakeholders?

**Evaluate the Decision**

- Did the solution address the facets of the defined problem.
- This is the hardest of all—requires an openness to real time feedback and the ability to change course if needed

**Issues in Care for the Beginning of Life**

- Human dignity is foundational
  - Human life is sanctified from its beginning
  - Deep respect for family, marriage and the love that binds them together

**Double Effect**

- Applies to many ethical dilemmas
- First articulated by Aquinas (1225)
- Not accepted by many clinicians
- What to do when an action has both harmful and beneficial effects
- 4 necessary criteria
  1. Directly intended object is not intrinsically evil
  2. Agent only directly intends the good effects
  3. Good effects must equal or be greater than bad effects
  4. Good effects must follow from the action at least as immediately as the bad effects

**Issues in Care for the End of Life**

- Where have we been? The Past
  “death is not the end but the beginning, not the separation but the union, not the tragedy but triumph"
- Principle—ordinary means must be used; extraordinary may be used. Suicide and Euthanasia are never morally acceptable options
**Issues in Care for the End of Life**
- Advance Directives—Living Will, MDPOA, CPR Directive
- Withholding versus Withdrawing Care
- Determination of Death
- Patient’s Mental Capacity
- Cultural and Religious Beliefs

**Improving Ethical Climate**
- Ethics programs and officers
- Realistic objectives
- Ethical decision-making processes
- Codes of conduct
- Effective communication
- Discipline of violators
- Ethics audit
- Ethics training
- Whistle-blowing mechanisms (hotlines)

**Nursing Code of Ethics**
- **Purpose**
  - Succinct statement of ethical obligations and duties of every individual who enters nursing profession
  - Profession’s non-negotiable ethical standard
  - Expression of nursing’s own understanding of its commitment to society

**Evolution of Nursing’s Code of Ethics**
- 1893—The “Nightingale Pledge”
- 1896—Nurses’ Associated Alumnae of the US & Canada (later to be ANA) purpose to establish & maintain code of ethics
- 1926—“a suggested code” in AJN but never formally adopted
- 1940—“a tentative code” published in AJN but never formally adopted
- 1950—Code for Professional Nurses—17 provisions is accepted by ANA House of Delegates
- 1956, 1960, 1968—Code is revised and amended
- 1975—Code for Nurses with Interpretive Statements is published as 11 provisions
- 1985—revised
- 2001—Code of Ethics for Nurses with Interpretive Statements is accepted by ANA House of Delegates

**Role of Code for Future**
Important tool that can be used as leverage to a better future for nurses, patients, and health care

**Case Presentations**

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