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Ethics Services

CLINICAL ETHICS AT PROVIDENCE HEALTH CARE A DECISION MAKING GUIDE

November 25, 2016

Summary: Clinical Ethics Decision Making Guide

Clinical Ethics at Providence Health Care

Ethics is the philosophical discipline that examines ideas about right and wrong. It is also the discipline that examines who we ought to be, how we should behave, and how we make decisions in light of who we say we are. Guided by our Mission, Vision, and Values, the Providence Health Care (PHC) Ethics Framework is an effective tool in assisting with clinical or bedside decision making. Ethics Services welcomes the opportunity to work with patients, residents, families, staff, and teams to explore the ethical dimensions of difficult clinical decisions.

Is Formal Clinical Ethics Decision Making Required?

Not every difficult decision requires an ethics consultation. However, some issues ought to trigger more formal ethical reflection. If there is a clinical question that involves significant concerns about potential harms, questions about fairness, or disagreement or conflict among stakeholders, a clinical ethics consult ought to be considered.

The PHC Ethics Framework

The PHC Ethics Framework can be used as a guide for clinical decision making.

Step 1: Identify the Issues

Distinguish between ethical and non-ethical issues.
Describe the issue(s) in ethical terms.

Step 2: Identify the Stakeholders

Identify the stakeholders—be as inclusive as possible.
Be sure to include the individuals who are ultimately accountable for the decision.

Step 3: Acknowledge Reactions, Feelings and World Views

What “gut” reactions (positive or negative) and “world views” need to be acknowledged?

Step 4: Gather and Clarify the Facts

Establish what is known and what still needs to be ascertained with respect to the issue.
Use the “Four Boxes” to organize this information for further analysis:

Medical Indications	Patient Preferences
Quality of Life	Contextual Features

Step 5: Analysis in light of Mission, Vision, Values, and Normative Principles

Identify pre-existing normative guidance (precedent cases, legislation, direction from the *Health Ethics Guide*).

Which of the following core ethical principles are in play, which are in conflict, and which carry more weight?

- 1. Respect for Autonomy
- 2. Non-maleficence
- 3. Beneficence
- 4. Justice/ Fairness

Step 6: Identify Options and Weigh Against Values and Principles

Identify options and how they fit with PHC values, professional codes of conduct, and core ethical principles.

Which option **best** supports organizational and professional values and core ethical principles?

Step 7: Make a Decision

State clearly what the decision is, and why it is considered the best option in light of the above.

Identify contingency plans in case of unintended outcomes or unforeseen problems.

Step 8: Implement and Evaluate a Decision

Develop a plan for communication and implementation.

Review decisions, outcomes, and key learnings.

You Are Not Alone: We Are Here To Help

Complex ethical decision making should not be done in isolation. Consider reaching out to other PHC services such as: Spiritual Health, Patient Relations, and/or Risk Management. If you would like a formal consultation you can reach our office by emailing ethics@providencehealth.bc.ca.

Clinical Ethics at Providence Health Care

Introduction

Ethics is the philosophical discipline that examines ideas about right and wrong. It is also the discipline that examines who we ought to be, how we should behave, and how we make decisions in light of who we say we are. At Providence Health Care (PHC), we believe that ethics touches everyone and everything. Accordingly, Ethics Services at PHC seeks to bring the best of our wisdom and lived experience to our work by placing ethical reflection and discussion at the centre of all our activities. Our Mission, Vision, and Values are at the centre of who we are and how we act, whether the issue at hand is how best to respond to a medical emergency; make difficult treatment decisions in clinical or residential care; manage disagreements between care providers, patients, residents, or families; allocate scarce resources fairly; support innovative research and teaching; or support the individuals, teams, programs and the organization as a whole in living with integrity.

Clinical Ethics

Clinical ethics focuses on the encounter between patients/residents and health care providers and has to do with decision making about the ethical delivery of patient care. Issues can arise at any point in the patient journey, but often arise at significant points in a patient's life such as at the end of life or at the time of a significant diagnosis or treatment decision. Often clinical ethics situations involve confusion over appropriate treatment or direction of care, disagreement between patients/residents/families and the care team, or uncertainty about a patient/resident's decision making abilities and/or who ought to be the substitute decision maker. Clinical ethics can also involve system level considerations such as clinical capacity and access to care, or resource allocation. Some clinical problems have systemic or organization level solutions, and some systemic problems and solutions will have clinical implications. In these instances, the document *Organizational Ethics at PHC* is suggested for further reading.

This Document

Ethics Services is committed to helping individuals and groups within the organization to think carefully about the values that we live by, and to make decisions and take actions that are rooted in these values. A central part of this examination involves questions around what we ought to do, and how we should behave when faced with morally challenging clinical situations. This document, developed by PHC Ethics Services, outlines the way in which to apply the PHC Ethics Framework to clinical ethics decision making.

Foundations: Mission, Vision, Values, and Principles

Values underpin all that we do. Our values are a measure of, and statement about what is important to us as individuals and as an organization. Common values help shape principles. Principles are mutually agreed upon "rules" that guide right action and behaviour. At PHC right action is first guided by our Mission, Vision, and Values.

Mission

Inspired by the healing ministry of Jesus Christ, Providence Health Care is a Catholic health care community dedicated to meeting the physical, emotional, social, and spiritual needs of those served through compassionate care, teaching, and research.

Vision

Driven by compassion and social justice, we are at the forefront of exceptional care and innovation.

Values

Spirituality – We nurture the God-given creativity, love and compassion that dwells within us all.

Integrity – We build our relationships on honesty, justice and fairness.

Stewardship – We share accountability for the well-being of our community.

Trust – We behave in ways that promote safety, inclusion and support.

Excellence – We achieve excellence through learning and continuous improvement.

Respect – We respect the diversity, dignity and interdependence of all persons.

The Health Ethics Guide

The *Health Ethics Guide (3rd Edition)* (Catholic Health Alliance of Canada, 2012) is a book intended to provide moral guidance around new advances in science and health care, in accordance with Roman Catholic teaching. Amended from time to time, it provides pragmatic advice for ethical decision making in Catholic health care in the context of a modern and ever changing world. It is a foundational reference for Ethics Services for both clinical and system level decision making at PHC. Chapters on the dignity of the human person, and care at the beginning and end of life are particularly relevant to clinical ethics.

Ethical Principles

In the bioethics literature there are four commonly accepted principles that capture and define some common beliefs in our society and in our health care system about right and proper actions that lead to the good of patients/ residents and their loved ones. Considering these principles aids in identifying where moral tensions lie, and can help organize one's thinking when finding options and working toward a solution.

- **Respect for Autonomy:** Respect a person's dignity and his or her right to make decisions for him or herself.
- **Non-maleficence:** First do no harm.
- **Beneficence:** Do what is possible to enhance a person's wellness.
- **Justice:** Act in a fair and just manner.

In addition to these principles there are related concepts which are very important such as patient **privacy** and **confidentiality** of a patient's information. **Truth-telling** and **trust** are also fundamental to any interaction between care providers and patients/ residents/ families.

"Four Boxes"

Good decisions begin with good information. In clinical ethics the Ethical Grid or "Four Boxes" is an additional foundational concept to be employed in decision making. The "Four Boxes" is a tool derived by Drs. Jonsen, Siegler, and Winslade. (In: Jonsen AR, Siegler M, Winslade WJ. *Clinical Ethics: a Practical Approach to Ethical Decisions in Clinical Medicine*. 7th ed. New York: McGraw-Hill Medical; 2010). These

are dimensions that need to be explored in order to make sound and ethical decisions regarding any clinical ethics problem:

Medical Indications

- What is the patient's medical problem? History? Diagnosis? Prognosis?
- Is the problem acute? Chronic? Critical? Emergent? Reversible?
- What are the goals of treatment?
- What are the probabilities of success?
- What are the plans in case of therapeutic failure?
- In sum, how can this patient benefit from medical care, and how can harm be avoided?

Patient Preferences

- Does the patient have decision making capacity? Is the patient mentally capable and legally competent?
- If the patient has decision making capacity, what are his or her preferences for treatment?
- Has the patient been informed of the benefits and risks of treatment, understood this information, and given consent of his own free will?
- If the patient lacks decision making capacity, who is the appropriate surrogate?
- Is the surrogate using appropriate standards for decision making?
- Has the patient expressed preferences previously (e.g. advance directive)?
- Is the patient unwilling or unable to cooperate with treatment? If so, why?
- In sum, is the patient's right to choose being respected to the extent possible in ethics and law?

Quality of Life

- What are the prospects, with or without treatment, for a return to a life acceptable to the patient?
- What physical, mental, and social deficits is the patient likely to experience if treatment succeeds?
- Are there biases that might prejudice the clinician's evaluation of the patient's quality of life?
- Is the patient's present or future condition such that his or her continued life might be judged undesirable?
- Is there any plan and rationale to forgo treatment?
- Are there plans for comfort and palliative care?

Contextual Factors

- Are there family issues that may influence treatment decisions?
- Are there clinician specific issues, or biases that may influence treatment decisions?
- Are there financial and economic factors? Are there religious or cultural factors?
- Are there limits on confidentiality?
- Are there problems of allocation of resources?
- How does the law affect treatment decisions?
- Is clinical research or teaching involved?
- Is there conflict of interest on the part of the providers or the institution?

Decision Making Process

Pulling this information together we can outline a process for ethical decision making. Following the PHC Framework for Ethical Decision Making enables a rigorous and reflective process to arrive at thoughtful and sound ethical recommendations and decisions.

Triggers

The first step in the ethical decision making process is knowing when to undertake a formal ethical reflection or analysis. In clinical ethics, if any member of the clinical team, or if the patient/resident, or a loved one feels that further ethical input is called for, an ethics consult ought to be considered.

Generally speaking, if there are questions about risks and harms, questions about fairness, or conflict among stakeholders (patient, health care team, family etc.) there is likely to be a moral dilemma attached. Ethical questions, uncertainties, and tensions can arise when:

- It is unclear what values should guide our actions. As individuals there may be two or more values or principles that we would like to use to guide our actions, but they may lead us in different directions and to different courses of action.
- Various individuals (“stakeholders”) involved in a medical situation may have different and opposing perspectives on the values and beliefs that should guide care and/or decision making and, once more, different conclusions or courses of action may be arrived at.
- Among those involved, there may be poor communication about the facts, values and beliefs that should guide decisions, and conflict can arise about what to do. For example, there may be no shared understanding of the medical facts (diagnosis/prognosis etc.) for the patient/resident. Or there may be disagreement about what a good quality of life may mean to different stakeholders.
- Some individuals (and often family members too) are having difficulty coping with events such that they are not yet ready or able to participate in discussions about the values that should guide care.
- There may be questions about the decisional capacity of the patient/resident, and the soundness of their decisions about important medical issues. In the case of persons who do not have decisional capacity, there may be questions about who the substitute decision maker ought to be.
- Some individuals involved in clinical interactions may feel that their perspectives on the values and beliefs that should guide care or decision making are not being heard. Perhaps the patient or family does not feel they are understood, or a care team member feels distressed about a course of action.

PHC Ethics Framework

The PHC Ethics Framework is ideally suited to clinical ethical decision making. A place to start, and a common methodology, promotes consistency among decision makers and ensures that no crucial steps are missed. The steps outlined are not always linear: steps may run in parallel, steps may not run in order, and the process may loop back on itself in light of new information. What follows are several questions and considerations to prompt decision makers at each step in the framework.

1. Identify the Issues

Being clear about the question to resolve is essential to good decision making.

- Difficult clinical issues are complex. Within the ethical scenario there may be questions and quandaries that are of a more scientific and medical nature, and solutions can be sought in

reviewing empirical data, or best practice guidelines. Other questions may have more to do with policies and procedures of the organization, or pertain more to risk management or patient relations—these ought to be resolved with the aid of or in conjunction with members of these departments.

- It is important to try to tease out which issues are of a moral nature, and to try to capture or phrase those issues in ethical terms.
- Any one ethical issue may raise additional questions that may or may not be related to the issue at hand. Good decision making requires that we stay focused on the issue(s) that demand the most attention at this time.

2. Identify the Stakeholders

Proper decision making requires the wisdom of multiple stakeholder opinions and perspectives to ensure a balanced and informed decision.

- Be as inclusive as possible in identifying relevant stakeholders: e.g., patient, resident, family, health care team members, community agencies, program leaders, other organizations.
- Consider who should be part of the decision making process, but equally important, identify who will be successful in implementing decisions, and who is responsible for implementation and follow up.

3. Acknowledge Reactions Feelings and World Views

Often our “gut” reactions towards an issue are revealing. Our “world views” (that is, our basic convictions that we take for granted about meaning in the world) also informs our decision making. Acknowledging all stakeholders’ voices requires openness and sometimes, moral courage.

- Identify and be aware of personal values, biases, self-interest, and stressors that may impact the decision.
- Gain an understanding of the world views and opinions held by the parties to the matter.

4. Gather and Clarify the Facts

Good decision making is possible only if we have a grasp of the facts.

- Gather as much information as practically possible.
- But acknowledge that in health care, the decision making process must sometimes begin with incomplete knowledge.

Medical Indications	Patient Preferences
Quality of Life	Contextual Features

- Use the “Four Boxes” outlined above to ground ethical reflection in sound information.

5. Analyze the Issue in Light of Values and Principles

As a Catholic health care organization, our Mission, Vision, and Values are our fundamental reference points. In addition, we also look to other relevant sources of normative guidance such as legal and regulatory requirements, and guidance from ethics scholars.

- Proper ethical reflection means putting our Mission, Vision, and Values into practice at the bedside.
- Analyze the issue in terms of accepted ethical principles such as respect for autonomy, beneficence, non-maleficence, justice, veracity (truth telling), and privacy and confidentiality.
- Consider whether there is relevant legislation, or regulatory guidance that must be accounted for.
- Consider whether the *Health Ethics Guide* provides specific guidance on certain points.
- Consider professional codes of ethics, and clinical best practice guidelines in analyzing the issue.
- Consider also whether there are similar cases in the ethics literature and in scholarly articles on the topic at hand.
- Try to establish whether any of these values and principles carry more weight in decision making as we move to the next step.

6. Identify Options and Weigh Against Values and Principles

Ethical decision making often identifies new unexplored options, possibilities, and opportunities worthy of the stakeholders' consideration.

- What possible courses of action exist, including the conscious decision of doing nothing? Be creative and thorough in developing options.
- Which options are inspired by, and in turn support, the various values, and principles?
- How do possible options align with our own personal values? Is there conflict that can trigger moral distress?
- How do the proposed options reflect and help us demonstrate the Mission, Vision, and Values of PHC?
- Is there resistance to pursue an option simply because it is inconvenient, more onerous, or resource intensive? Is this a legitimate limiting factor?

7. Make a Decision

Ultimately a decision must be made, but there are still some important considerations about both the decision and the process of moving forward.

- Which option best supports our Mission, Vision, and Values?
- Which option is most aligned with the ethical principles?
- What feelings are evoked among stakeholders in going forward with this decision?
- What are the implications in the next day/week/month/year?
- Would we be able to publicly defend the decision in the media, at staff forums, with colleagues, when looking ourselves in the mirror?
- Is there a contingency plan in case the decision does not bring about the intended outcomes or raises unanticipated hardship or harm?
- Document the discussion and decision as appropriate.

8. Implement and Evaluate the Decision

Once a decision is made, it must be put into action and evaluated. Doing the right thing means not just making an ethically sound decision, but involves ethically sound implementation, and a commitment to learn from and evaluate decisions and actions.

- Consider how this decision will be implemented in accord with Mission, Vision, Values, and Principles. How will this alignment be made explicit?
- How will the decision be communicated to the stakeholders?
- Who will implement and document this decision, by what process, and within what timelines?
- What process and criteria of measurement will be used to evaluate the decision and outcome?
- What are the conditions under which the decision needs to be revisited? If there are contingency plans, when will they be invoked?
- What went well and is worthy of repeating? What didn't work well and should be avoided? What did we learn about our team process and our capacity for decision making?

What to Expect from a Clinical Ethics Consultation

At Providence, we believe that ethics touches everyone and everything. Accordingly, Ethics Services at PHC seeks to bring the best of our wisdom and lived experience to our work by placing ethical reflection and discussion at the centre of all our activities. If you feel that an ethics consultation would be helpful, we will do our best to meet with you and your team in a timely manner to help you with your ethical issues. Our team is respectful to all parties to an issue. We provide opinions and insight, but do not make clinical decisions. Rather, we work with teams and individuals to make the most of the knowledge and expertise they already possess. We will draw upon scholarly sources and research, and our own experience to stimulate ethical reflection and discussion in order to help you with your problem. The process outlined in the pages above is aimed at finding ethically sound solutions to new or emerging issues, or recurring problems. Our role is to make the ethical dimensions of an issue explicit, clarify the values and principles that are in tension, and help teams or individuals to find options that best support their needs. The service is also offered to assist staff, patients/residents/families, or teams reflect on and understand the ethical dimensions of decisions already made.