What is an Ethics Consultation (EC)?

- The purpose of an ethics consult is to formulate a recommendation that addresses an ethical issue that has arisen in the course of patient/resident care.
  - EC is not a second medical opinion
  - EC does not directly result in a medical order
  - The recommendation is directed to the person who requested the consult and indirectly to others involved in the care of a patient/resident
What is an Ethics Consultation?

- What distinguishes an ethics consultation from other types of patient encounters is that its focus is the resolution of a value-laden or ethical issue.
- Thus it is distinguishable from:
  - A pastoral visit
  - A clinical visit

Ethics Consultation (EC)

- Health care ethics consultation is a service provided by an individual or a group to help patients, families, surrogates, health care providers or other involved parties address uncertainty or conflict regarding value-laden issues that emerge in health care.
Team vs. Individual

“...a service provided by an individual or a group...”

- In the most authentic sense, EC should be a service provided by a team.
- EC require a range of competencies if they are to be done well.
- The competencies required to conduct an EC are rarely, if ever, possessed by one person.
- However, circumstances such as week ends, time constraints and urgency may require that at times an EC be conducted by an individual.

Risks of Curbside Consultations

- He said She said
- Not consistent
- Giving an opinion
- Documentation
Team vs. Ethics Committee

- Time
- Size
- Consensus
- Other

Ethics Consultation Team

- Consultation Team
  - One size does not fit all
  - Build to size
- Membership
  - Physicians
  - Nurses
  - Chaplains
  - Social Workers
  - Therapists
  - Risk Management/Legal Administration
ETHICS CONSULTATION TEAM

- Availability –
  - 24/7
  - Intake officers
  - Initial assessment

Identification of an ethical issue

- The first step for EC is to identify the ethical issue, for example:
  - Is the withdrawal of a peg tube consistent with ERD #58, the human dignity, or autonomy of the patient?
  - Is the care accorded a patient/resident consistent with the values of excellence and service?
  - Is the allocation of limited beds in an ICU consistent with justice?
Identification of an ethical issue

- If it is not an ethical issue – ensure proper hand off to:
  - Pastoral Care
  - Palliative Care
  - Legal/risk
  - Clinical Manager/Director

- Identify Needed Resources

- Leadership Support

Ethics Consultation

2. “… to help patients, families, surrogates, health care providers or other involved parties address uncertainty or conflict regarding value laden issues that emerge in health care.”

- This is the heart of what EC is about – value laden issues, issues of ethics
What are the competencies (skills and knowledge areas) that are essential for an Ethics Consultation?

**CORE COMPETENCIES**

Competencies (skills and knowledge)

The American Society of Bioethics and the Humanities has identified twelve skills and nine knowledge areas that should be present in ethics consultation teams. Together they constitute the competencies required for effective, high quality case consultation.

- The expectation is that these competencies are represented in the ethics consultation team, not that each individual on the team has all nineteen competencies.
Competencies (skills and knowledge)

As you review each of these skills and areas of knowledge, do a self-assessment at the same time. Is each competency an area in which you are proficient, an area of weakness, or somewhere in between. It can also be beneficial if the ECT performs such a self-assessment as a team project. Such assessments can lead to individual and group learning plans.

The 12 Skill Areas

1. Skills necessary to identify the nature of the value uncertainty or conflict that underlies the need for ethics consultation
   • This is the ability to recognize the value laden or ethical issues embedded in a clinical case
   • This skill is grounded in moral theory, what ethics is about. Ethics is concerned with identifying authentic human goods and the avoidance of what harms such goods.
The 12 Skill Areas

2. Skills necessary to analyze the value uncertainty or conflict
   - This skill is associated with moral reasoning, what are the potential appropriate and fitting responses to the ethical issue.
   - Reasoning from analogy is helpful here. This case is similar to another case. Does understanding what is similar and what is dissimilar help evoke a fitting response.

The 12 Skill Areas

3. The ability to facilitate formal and informal meetings
   - This is the ability to conduct meetings that are efficient and effective.
   - The appropriate issues are surfaced
   - Participants are free to express themselves in an open manner
The 12 Skill Areas

4. The ability to build moral consensus
   • This skill is crucial to the ethics facilitation process
   • This is the capacity to generate cognitive and affective support for an appropriate/fitting ethical response
   • Out of moral confusion and frequently familial or caregiver anguish a shared consensus about the right thing to do emerges

The 12 Skill Areas

5. The ability to utilize institutional structures and resources to facilitate the implementation of the chosen option.
   • This is the ability to recognize the resources within an organization that can support and implement a fitting response. Or impede such a response
   • Such resources range from case managers, social workers, pastoral care, financial advisors as well as the panoply of medical and clinical resources available within a facility.
The 12 Skill Areas

6. The ability to document consults and elicit feedback regarding the process of consultation so that the process can be evaluated.
   • ECs should be documented in the manner indicated by the Legal Network
   • The evaluation of ECs by the ECT and the Ethics Committee are essential for continuous quality improvement.

The 12 Skill Areas

7. The ability to listen well and to communicate interest, respect, support and empathy to involved parties
   • The ability to listen well is the first step in identifying the value laden/ moral issue
   • Consensus can only occur when everyone believes they have been heard
   • Consensus is also the product of mutual interest, respect, support and empathy.
The 12 Skill Areas

8. The ability to educate involved parties regarding the ethical dimensions of the case
   • The presence of this skill within the ECT ensures that all the participants stay focused on the value laden/ethical issue
   • This is as much a communication skill as an educational skill

The 12 Skill Areas

9. The ability to elicit the moral view of involved parties
   • The parties to an EC can come from a range of moral points of view or convictions
   • If someone’s perspective is not drawn into the consultation, it will be difficult, if not impossible to attain consensus
   • The ability is frequently associated with trust.
The 12 Skill Areas

10. The ability to represent the views of involved parties to others.
   • This is the ability to frame and reframe the positions of participants
   • This ensures that participants have a sense that they are being heard, understood and respected.
   • This is both a listening and communication skill.

11. The ability to enable the involved parties to communicate effectively and to be heard by other parties.
   • This is a facilitation skill.
   • It switches the focus from the EC process to the participants within the EC.
   • This facilitation skill is extremely important in ECs where medical language marginalizes some parties. It can also bridge cultural and educational differences.
The 12 Skill Areas

12. The ability to recognize and attend to various relational barriers to communication
   - The potential relational barriers in an EC are numerous – gender, race, religion, etc.
   - This ability is first of all the skill to recognize and call out the presence of such barriers in an EC
   - Secondly it is the ability to overcome such barriers so that common ground, a consensus can emerge.

The 9 Knowledge Areas
The 9 Knowledge Areas

1. Moral reasoning and ethical theory as it relates to ethics consultation
   • This area will be discussed more thoroughly in the final section of this module.

The 9 Knowledge Areas

2. Knowledge of bioethical issues and concepts that typically emerge in ethics consultation
   • Benefit/burden
   • Informed consent
   • Mental capacity
   • Truth telling
   • Just allocation of resources
   • Confidentiality
3. Knowledge of health care systems as they related to ethics consultation
   - Managed care systems
   - Governmental system
   - Charity care policies

4. Knowledge of the *clinical context* as it relates to ethics consultation
   - Sufficient medical knowledge to be able to understand the clinical issues that arise in EC
   - Understanding of the various roles of health care providers.
   - Understanding of the grieving process
The 9 Knowledge Areas

5. Knowledge of the health care institution in which the consultants work
   - Mission Statement and Core Values
   - Structure and organization of the facility
   - Range of service and sites of delivery
   - Ethics Consultation Process – who can call, how to call

The 9 Knowledge Areas

6. Knowledge of the local health care institution’s policies
   - Withholding/withdrawing life sustaining technologies
   - Informed consent
   - Do Not Resuscitate
   - Medically non-beneficial care
   - Organ donation and procurement
   - Disruptive behavior
The 9 Knowledge Areas

7. Knowledge of the beliefs and perspectives of the patient and staff population
   • Ethnic, religious, cultural, and racial make up of the community served
   • Availability of medical translators

The 9 Knowledge Areas

8. Knowledge of relevant codes of ethics, codes of professional conduct and guidelines of accrediting organizations as they related to ethics consultation
   • e.g. The *Ethical and Religious Directives for Catholic Health Care Services*
   • Medical and nursing codes of ethics
   • The Joint Commission
   • Medicare Conditions of Participation
The 9 Knowledge Areas

   • Basic case law regarding end of life as discussed in most bioethics texts.
   • State advance directive and DNR legislation
   • The role of a guardian ad litem

Creating a note in the Medical Record

• Professional in content and tone
• Accurate & Ethically Relevant
• Accountability and transparency