

Medical Ethics: How did we get here?

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Objectives

1. Review of common dilemmas
2. Identify barriers to ethical decision making
3. Explore the 4 core principles of medical ethics
4. Examine common ethical cases



Not all dilemmas are life and death

Dr. Sanson accepts medical students for 1-week rotations through his dermatology clinic. Paul, a 3rd year medical student, works up a patient for what appears to be basal cell carcinoma. A week after the rotation ended, the pathology results are in. Paul continues to access the patient's chart via the EHR over the following weeks to track the patient's progress. Dr. Sanson notices Paul has accessed the record repeatedly.

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What should Dr. Sanson do?

- A. Report Paul to the medical school dean.
- B. Disclose breach of privacy to the patient.
- C. Do nothing.
- D. Commend Paul for his interest in patient outcomes.

Some are...

You run a clinic in a lower-income neighborhood where many patients are recent immigrants. There is a fixed annual budget of \$100,000 that is used to care for a few thousand patients every year, and no additional resources are available.

In January, the beginning of the budget cycle, a new patient presents with a rare type of cancer that is treatable, but without treatment, he will die in 6 months.

What do you do?

Then there's this...

An 18-year-old female presents to the emergency department after suffering a ruptured aneurysm on Christmas morning. Although initial surgeries went well, tempers flared with rehab staff almost instantly. The family asked for four members of the health care team to be removed from their daughter's care after arguments and disagreements about the quality of care provided.

Ultimately, the patient's mother was escorted off of hospital premises and prohibited from returning. Following a request for transfer, the patient was deemed to lack capacity to make her own decisions, and legal guardianship was pursued by the hospital.

The family "tricked" the hospital into letting them leave, and were pursued by police officers.

How did it get that far?

- A. Before you dig into an intense ethical dilemma, make sure it exists
- Insufficient communication
 - Interpersonal conflict
 - Incomplete awareness



What causes conflict?

A. The 4 Core Principles of Medical Ethics

1. Nonmaleficence
 - “First do no harm”
2. Beneficence
3. Autonomy
4. Justice

What causes conflict?

A. The 4 Core Principles of Medical Ethics

1. Nonmaleficence

2. Beneficence

- A moral obligation to take positive and direct steps to help others
- Originates out of special relationships

3. Autonomy

4. Justice

What causes conflict?

A. The 4 Core Principles of Medical Ethics

1. Nonmaleficence

2. Beneficence

3. Autonomy

- Self Rule: The ability of your patient to decide
- Providers are not permitted to violate a person's choice because he/she
 - Disagrees
 - The decision will benefit the patient
 - The intent of the decision is to do good

4. Justice

What causes conflict?

A. General Rule:

1. Autonomy Trumps

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A. General Rule:

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B. Exceptions to Autonomy

1. Prevent harm to others
2. Stop spreading deadly diseases
3. Therapeutic privilege

What causes conflict?

A. The 4 Core Principles of Medical Ethics

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- Treat similar cases the same unless there is a relevant or material reason to differentiate
- Allocation of resources
 - Distribute burdens and benefits fairly

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B. What trumps...law or ethics?

4 Common Ethical Dilemmas

1. _____
2. _____
3. _____
4. _____

4 Common Ethical Dilemmas

1. Ordering unnecessary tests
2. Pressure to refer patients within a physician's health system
3. Do you have a responsibility to treat Medicare and ACA patients
4. Should you give patients what they want

4 Common Ethical Dilemmas

1. Ordering unnecessary tests

- 53% of physicians order unnecessary tests for malpractice concerns
 - a. 36% “just to be safe”
 - b. 30% “want more information to reassure myself”
- \$210 Billion spent annually

4 Common Ethical Dilemmas

2. Do you have a responsibility to treat Medicaid and ACA patients
 - In 2013, 45.7% of doctors accepted new Medicaid patients
 - ACA health exchanges carry risk, because they can have exceptionally high deductibles

4 Common Ethical Dilemmas

3. Should you give patients what they want?

- 23% of physicians ordered tests because they wanted to keep their patients happy
 - a. 13% believe that patients should make the final decision
 - b. 28% say patients “insist” on certain tests
 - c. 13% say because there isn’t enough time to argue

4 Common Ethical Dilemmas

4. Disclosing Medical Mistakes?

- Inevitable part of medicine
- System-wide issues, not necessarily individual

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Would you disclose?

4 Common Ethical Dilemmas

- Current Physicians
 - 1,891 physicians surveyed
 - 33%: It is not necessary to disclose all serious errors
 - 20%: have not disclosed in the past year
 - 11%: told patients something untrue

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- Why?
 - Blame
 - Lack of confidentiality
 - Humiliation
 - Perfectionism
 - Medical Malpractice

Other Examples of Ethical Dilemmas?



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References

1. Baranowski, M. and Stoff, B., *Journal of the American Academy of Dermatology*, Volume 78, number 6, 2018.
2. Cohen, Elizabeth and Bonifield, John. “Escape from the Mayo Clinic: Teen accuses world-famous hospital of ‘medical kidnapping.’” CNN, 14 Aug. 2018.
<https://www.cnn.com/2018/08/13/health/mayo-clinic-escape-2-eprise/index.html>
3. Huff, C. (2014, August 7). 4 ethical dilemmas facing physicians. *Medical Economics*.
4. Karan, A. Hastings Bioethics Forum, Health and Health Care. March 15, 2017.
5. Morrison, E. (2009). *Health Care Ethics: Critical Issues for the 21st Century*. 2nd ed. Sandbury, MA: Jones and Bartlett Publishers, pp.41-49

