

In-service Education Packet

Ethics



Ethical Issues in Healthcare

Healthcare ethics involves making well researched and considerate decisions about medical treatments, while taking into consideration a patient's beliefs and wishes regarding all aspects of their health.

The healthcare industry, above any other, has a high regard for the issues surrounding the welfare of their patients.

Doctors, nurses, and other professionals who have the ability to affect a patient's health are all forced to make ethical decisions on a daily basis.

This power over a patient's wellbeing creates a mandatory need for all healthcare organizations to develop an ethics committee.

Health care professionals practice in an environment that is complex, with many regulations, laws and standards of practice.

Performing an abortion is legal but may not be considered ethical by other health care professionals or members of the public at large.

Other ethical dilemmas arise at the end of life, when a decision must be made to turn off life-support machines and allow death to occur.

Other common ethical issues a health care professional might face are confidentiality, relationships with patients and matters related to consent, especially in the treatment of minors.

The agency's goal is to establish a written code of ethics that details the policies and procedures that determine proper conduct for all employees.

The Ethics committee meets and gives direction to assist the staff, patients and their families; all working together cohesively to identify, understand, and resolve difficult ethical decisions.

There are many ethical issues that may arise in regards to a patient's healthcare.

These major issues as well as ways to manage them are as follows:

- **Confidentiality-** Confidentiality is both an ethical and a legal issue. Keeping information about a patient confidential is a way of showing respect for the person's autonomy; releasing information can damage the patient. There are also specific laws regarding the release of information under the Health Insurance Portability and Accountability Act, or HIPAA. The laws define exactly what information can be released and to whom. Insurance companies, for example, may not have the right to certain aspects of a patient's medical record. However, if there is risk to a third party, an ethical health care professional may need to break confidentiality to prevent harm. The Administrator needs to make sure that its patients' medical records are safeguarded.
- **Transmission of diseases-** The risk posed to healthcare professionals of acquiring a communicable disease from patients is a concern to those serving on ethical committees. This is especially true if a patient's health history is not made available to the providers. While healthcare providers do not want to make the patient uncomfortable by taking obvious protective measures, they still have every right to protect themselves from any pathogens that may be able to spread by direct or indirect contact.
- **Aggressive marketing practices** - Certain guidelines, ethics, and standards need to be adhered to when promoting and marketing an agency's services. It is extremely inappropriate for agencies to recommend unnecessary services to a patient just for the sake of profit. The main goal of the agency should be patient care, not marketing schemes. Ethical committees should always be involved in the agency's marketing practices in some way so that the result of any marketing campaign is tasteful and sincere.
- **Provided information-** The information that an agency provides to advertising needs to be 100% accurate and honest. It is important that the advertisements for the agency and its services are not misleading or false. Again, the patients' welfare is most important.
- **Patient welfare** - A doctor, nurse, and any other type of healthcare professional involved in the care of a patient needs to remember their main motive: safeguarding the welfare of their patients. All personal information needs to be kept private. It is also important that physicians are honest with their patients. No matter what the healthcare provider's personal beliefs are; a patient should never be discriminated against based on race, income, or sex. Reports of such discrimination should be taken very seriously.

- **Elderly patients-** Dealing with patients of advanced age may sometimes pose problems in regards to ethical decision making since they are not capable of making rational decisions on their own. As a result, their families are left with the responsibility of making difficult choices. This task can be incredibly difficult when the patient is terminally ill and wants to end their life in order to avoid unnecessary suffering. Even if the ethical committee has a difference of opinion regarding such matters, proper ethical protocol needs to be adhered to at all times. It is always best to check if the patient has a living will so that unnecessary confusion can be avoided.
- **Terminally ill patients** - As with elderly patients, terminally ill patients may have specific wishes for the manner in which they want their lives to end. Dealing with an issue such as euthanasia is very difficult and therefore requires a deep understanding of ethical processes.
- **Sexual harassment** - The ethical committee should be very strict about sexual harassment of any kind at the healthcare facility. There is a risk of occurrence not only between a patient and a doctor, but also between two medical practitioners. When such situations arise, the ethical committee should involve a branch of ethics called sexual ethics, which involves any issue regarding sexuality and sexual behavior.
- **Therapies** - There are different techniques and therapies that can be performed with a patient or victim so that any trauma or stress related to an offending incident can be alleviated. Hearings and investigations into the incident may also occur.
- **Relationships-** Relationships with patients, particularly sexual relationships, are forbidden by both the medical and nursing code of ethics. Such actions are considered serious misconduct and can result in expulsion from the profession and losing the license to practice. A sexual relationship is considered to be an abuse of power on the part of the physician or nurse, as patients are dependent and vulnerable. A sexual relationship with a patient can be very harmful, and an ethical practitioner will avoid even the appearance of sexual interest in a patient.
- **Malpractice-** Health care practitioners of all sorts face the risk of being sued for malpractice. A lawsuit may be brought from an injury related to surgery, defective equipment or medical products, care that was omitted or a deliberate act that caused harm to a patient. The risk of litigation is such that many health care professionals practice what is called defensive medicine -- for example, ordering a test or performing a procedure primarily to ensure that the patient cannot allege negligence.

- **Consent-** Patients must provide informed consent for treatment to be legal. A surgery performed without proper consent is generally considered assault, according to a 2009 article in the "Internet Journal of Surgery." When treating an adolescent, the health care professional faces potential conflict between ethics and the law in certain situations. The professional might believe that parents should be kept informed of their child's health issues. In California, however, a 12-year-old can consent to medical care and counseling related to the treatment of a drug or alcohol problem, the National Center for Youth Law reports. The treating doctor cannot disclose information to the parents without the child's consent except in very specific circumstances, such as risk to another person.
- **Discrimination-** Discrimination is also another very serious issue in medical ethics. Discrimination can be because of race, gender, color, or even religion. This may happen between a patient and a medical practitioner or between a medical practitioner and another member of the healthcare team. All members of the team must always protect the welfare of the patients and of themselves as well.
- **Honesty-** Being honest and giving out authentic pieces of information to the concerned parties are also common ethical issues in healthcare. When results of diagnostic tests are available, these pieces of information must be relayed to the patients and their families. Their diagnosis and other important data should also be discussed properly by the physician and the nurses so that there will be transparency in the treatment process. Giving false hopes and false reassurances are strictly discouraged.

The Code of Ethics is intended to serve as a guideline to the agency in the following areas:

- A. Patient Rights and Responsibilities
- B. Relationships to Other Provider Agencies
- C. Fiscal Responsibilities
- D. Marketing and Public Relations
- E. Personnel

Patient Rights and Responsibilities

It is anticipated that observance of these rights and responsibilities will contribute to more effective patient care and greater satisfaction for the patient as well as the agency. The rights will be respected by all Agency personnel and integrated into all home care agency programs. A copy of these rights will be prominently displayed within the agency and made available to patients upon request.

- The patient is fully informed of all patient rights and responsibilities.
- The patient has the right to appropriate and professional care relating to physician orders.
- The patient has the right of choice of care providers.
- The patient has the right to receive information necessary to give informed consent prior to the start of any procedure or treatment.
- The patient has the right to refuse treatment within the confines of the law and to be informed of the consequences of his action.
- The patient has the right to privacy.
- The patient has the right to receive a timely response from the agency to his request for service.
- A patient will be admitted for service only if the agency has the ability to provide safe professional care at the level of intensity needed.
- The patient has the right to reasonable continuity of care.
- The patient has the right to be informed within reasonable time of anticipated termination of service or plans for transfer to another agency.
- The patient has the right to voice grievances and suggest changes in service or staff without fear of restraint or discrimination.
- The patient has the right to be fully informed of agency policies and charges for services, including eligibility for third-party reimbursements.
- The patient denied service solely on his inability to pay shall have the right of referral.

- The patient and the public have the right to honest, accurate, and forthright information regarding the home care industry in general and his chosen agency in particular, (e.g., cost per visit, employee qualifications, etc.).

Relationship to Other Provider Agencies

- The principle objective of home care and hospice agencies is to provide the best possible service to patients. Agencies shall honestly and conscientiously cooperate in providing information about referrals and shall work together to assure comprehensive services to patients and their families.
- Staff shall engage in ethical conduct of their affairs so that maximum fair trade occurs.

Fiscal Responsibilities

- The amount of service billed is consistent with amount and type of service provided.
- The cost per visit includes only legitimate expenses.
- The medical equipment sold or rented to a patient is provided at the lowest possible cost consistent with quality, quantity, and timeliness.
- The salaries and benefits of the provider and administrative staff shall be consistent with the size, responsibility, and geographical location of the agency.
- The provider shall not engage in "kick-backs" and "pay-offs."

Marketing and Public Relations

- Oral and written statements will fairly represent service, benefits, cost, and agency capability.
- Agencies that promote their service to the public through the media shall include information descriptive of home care and hospice in general, as well as agency specific information.

Personnel

- The agency shall be an equal opportunity employer and comply with all applicable laws, rules, and regulations.
- The agency shall have written personnel policies available to all employees and uniformly applied to all employees.
- The agency shall provide an ongoing evaluation process for all employees.
- The agency shall hire qualified employees and use them at the level of their competency.
- The agency shall provide supervision to all employees.

- The agency shall provide continuing education and in-service training for all employees to update knowledge and skills needed to give competent patient care.
- The agency shall hire adequate staffing to meet the needs of the patients to whom they render care.
- The agency shall have a pay scale that is consistent with the area and pay only for those expenses for travel and business that are within a reasonable norm.

ETHICAL ISSUES POLICY

1. The Agency recognizes that issues of an ethical nature related to the patient/client, Agency and the provision of services may develop. Such issues may include but are not limited to:
 - a. Informed Consent
 - b. Decision making
 - c. High technology and medical experimentation
 - d. Patient/client safety
 - e. Accepting or refusing care
 - f. Standards of care
 - g. Advance Directives
 - h. Confidentiality
 - i. Care for persons with inadequate reimbursement for services
 - j. Right to freedom of choice, dignity and movement
2. It is the policy of the Agency to:
 - a. Provide care within an ethical framework established by the professional disciplines provided by the Agency, established in Agency policy and procedure, and as established by law and standards of care.
 - b. Allow the patient/client or his/her representative the right to participate in any discussion concerning ethical issues and to document such involvement.
 - c. Have Agency staff and the patient/client's physician participate in the consideration and resolution of ethical issues.
 - d. Furnish staff with education regarding ethics and the mechanisms available to assist them with consideration and resolution of ethical issues.
3. Patient/Client Ethical Issues
 - a. Ethical issues for patient/clients include but are not limited to the following:
 - i. The patient/client has a Do Not Resuscitate or Do Not Intubate order but there is conflict among the family members.
 - ii. The patient/client and/or family is participating in and/or conducting rituals, religious healing activities or other behaviors that are disturbing to

the employee and/or causing the employee to be concerned for the patient/client's well-being.

- iii. The family and physician are concealing from the patient/client true information about his condition.
 - iv. The physician does not respond to requests for care that the nurse believes is necessary, i.e. an increase or decrease in pain medication, testing for TB, to be seen by the physician, etc.
 - v. The patient/client refuses to accept assistance the employee feels is necessary, i.e. bathing, food stamps, companion, homemaker, ALF placement, etc.
 - vi. The patient/client refuses part of the ordered care (i.e., nursing) but chooses to accept another part of the ordered care (i.e., pharmacy).
 - vii. There is obvious drug use or other unusual or illegal activity in the patient/client's home which jeopardizes the employee's safety.
- b. The Agency will convene an Ad Hoc Committee of the Professional Advisory Committee to discuss and attempt to resolve ethical issues that arise. This committee will meet for ethical issues arise.

The Agency's Medical Director/Advisor and the Agency employees involved in the patient/client's care will be included in the Ethics Committee.

- c. The patient/client's physician (or if unavailable, the Agency's Medical Director/Advisor), and the Agency employees involved in the patient/client's care will be included in the Ethics Committee.
 - d. The Agency's Quality Improvement Committee or other designated individual(s) or group may serve as a resource to assist in the consideration of ethical issues.
 - e. The Governing Body will receive the minutes of the Ethics Committee meetings and may be called upon to take action on issues as required.
 - f. Anyone may initiate consideration by notifying the Administrator and/or Director of a potential or actual concern. The Administrator or Director shall present the issues at a meeting of the committee as soon as possible. Minutes shall be kept of the meeting, and as appropriate, staff, the patient/client and the patient/client's physician shall be advised of the results of the meeting in a manner appropriate to the individual situation.
4. Ethical Issues For Employees
- a. The Agency recognizes that from time to time staff members' personal values and beliefs enter into their ability to provide care. Such issues include but are not limited to:

- i. Working or traveling on certain religious holidays
 - ii. Right to life issues
 - iii. Administering blood transfusions
 - iv. Respecting an individual decision not to seek medical care because of their religious beliefs
 - v. Ethnic and sexual orientation issues for care
 - vi. Termination of life support systems and participation in certain advanced directive decisions
 - vii. Conflicting ethical, cultural or religious beliefs
- b. It is the Agency policy that:
- i. Refusal of an individual staff member to participate in certain aspects of care based upon personal values and beliefs will not disrupt the patient/client's care.
 - ii. When a situation arises for care that is in conflict with individual staff values and beliefs there is an alternative method of care.
 - iii. Individual performance evaluations will appropriately reflect the manager's consideration of motives related to refusal to participate based upon cultural values or religious beliefs.

Ethics Post Test

Employee name: _____

Date: _____

Score: _____

1. The Code of Ethics is intended to serve as a guideline to the agency in the following areas:
 - a. Patient Rights and Responsibilities
 - b. Relationships to Other Provider Agencies
 - c. Fiscal Responsibilities
 - d. Marketing and Public Relations
 - e. Personnel
 - f. All of the above

2. What is the major ethical issue in homecare? _____

3. When is the Patient's rights provided to the patient?
 - a. After the agency receives MD orders
 - b. When the patient asks for them
 - c. On admission
 - d. On discharge

4. It is the policy of the Agency to provide care within an ethical framework established by the professional disciplines provided by the Agency, established in Agency policy and procedure, and as established by law and standards of care.
 - a. True
 - b. False

5. Refusal of an individual staff member to participate in certain aspects of care based upon personal values and beliefs will not disrupt the patient/client's care.
 - a. True
 - b. False

6. Ethical issues for employees include:
 - a. Working or traveling on certain religious holidays
 - b. Right to life issues
 - c. Administering blood transfusions
 - d. Respecting an individual decision not to seek medical care because of their religious beliefs
 - e. All of the above

7. How will the agency ensure the staff is following the agency's Ethics policy?
 - a. The agency shall be an equal opportunity employer and comply with all applicable laws, rules, and regulations.
 - b. The agency shall have written personnel policies available to all employees and uniformly applied to all employees.
 - c. The agency shall provide an ongoing evaluation process for all employees.
 - d. All of the above.

8. Discrimination can be because of which of the following?
 - a. Race
 - b. Gender
 - c. Color
 - d. Religion
 - e. All of the above

9. The provider shall not engage in "kick-backs" and "pay-offs."
 - a. True
 - b. False

10. Relationships with patients, particularly sexual relationships, are allowed if the patient approves.
 - a. True
 - b. False