The Process of Ethics Consultation

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October 12, 2018
Disclosures

• I have no conflicts of interest to disclose.
Objectives

Upon completion of this activity, participants will be able to:

• Identify the need for a thorough and systematic consultation process
• Describe the role of the clinical ethics consultant as an ethics facilitator
• Discuss the necessary elements to document in the patient chart
• Describe the importance of quality assessment in clinical ethics consultation
Ethics Consultation

• “Healthcare ethics consultation...is a set of services...in response to questions from patients, families, surrogates, healthcare professionals, or other involved parties who seek to resolve uncertainty or conflict regarding value-laden concerns that emerge in health care.”¹

Consultation Process

A thorough, systematic process is essential to a quality ethics consultation process

• Fletcher, Lombardo, & Spencer. *Introduction to Clinical Ethics.*


• Jonsen, Siegler, & Winslade. *Clinical ethics: A Practical Approach to ethical decision in clinical medicine.*

• Orr & Shelton. “A Process and Format for Clinical Ethics Consultation.”

• VAs CASES approach
ASBH Process Standards

- Open access
- Thorough and systematic process
- Notification
- Documentation
- Evaluation, quality review, and process improvement
Consultation Process

- Initial contact
- Information gathering
- Formal meetings
- Analysis
- Outcomes
- Documentation
- Evaluation & quality review
Initial Contact

• Patient details
• Requestor’s name and contact information
• Chief complaint or perceived ethical issue
• Relevant stakeholders
Initial Contact: Refer Elsewhere?

• Consults not based in Fact
• Scope of practice
  • Allegations of misconduct
  • Inappropriate requests
• Conflict of interest
• Bias
Initial Contact: Types of Consults

• Dilemmas & conflict
• Case verses non-case
Initial Contact

• Notification of case consultation
  • Confidential consults
  • Anonymous consults

• Set expectations for follow-up
Initial Contact: Consult Team

• Individual consultant
• Small team
• Ethics committee
Information Gathering

• How extensive?
• Curbside consults
  • Single narrative
  • No documentation
  • Limits to recommendations
Information Gathering

- Medical record
- Medical providers
- Bedside staff
- Patient (& surrogate) voice
Information Gathering

• Relevant documents
  • Advance directives
  • Custody documents
Information Gathering

- Relevant policies, laws
- Professional codes and guidelines
- Outside sources (legal/risk?)
- Literature
Formal Meetings

• Pros
  • Clarify values
  • Facilitate moral deliberation

• Cons
  • Time consuming
  • Inappropriate setting
Formal Meetings

• Strategies
  • Preparation
  • Set clear goals
  • Clarify your role

• Process
  • Format
  • Clarify medical facts, ethical standards
  • Search for common ground and identify alternatives
Analysis: Consultants Role

• The job is not to make decisions, but to elucidate issues, mediate communication, integrate perspectives of stakeholders, and identify potential outcomes¹

• ASBH describes this as the ethics facilitation approach¹

Analysis

• Clearly articulate the ethical concern(s) and the central ethics question(s)\textsuperscript{1}

\textsuperscript{1} American Society of Bioethics and Humanities. Core Competencies for Healthcare Ethics Consultation: 2nd Edition.
Analysis: Ethical Theory

• Principlism
• Utilitarianism
• Kantian
• Rights theory
• Virtue ethics
• Narrative
• Feminist
• Casuistry
Analysis: Casuistry

• American Society of Bioethics and Humanities. A Case-Based Study Guide for Addressing Patient-Centered Ethical Issues in Health Care.\textsuperscript{7}

• Lo, B. Resolving Ethical Dilemmas: A Guide for Clinicians.\textsuperscript{8}

• Diekema, D. Clinical Ethics in Pediatrics: A Case-Based Textbook.\textsuperscript{9}
Analysis: Bioethical Concepts

- Informed consent & decision-making capacity
- Surrogate decision-making
- Confidentiality & privacy
- Professional rights & duties
- Advance care planning
- Foregoing life-sustaining treatment
- Resource allocation

Analysis: Common Pitfalls

• Premature closure
• Bias
• Assuming the issue is best addressed by an ethics consultant
• Not having a standard process

Outcomes

• Clarify the nature of the dilemma or conflict
• Facilitate resolution among stakeholders
• Identify the range of ethically acceptable options
• If there is a strong ethical and/or legal consensus on the issue, recommend specific courses of action
• Develop a management plan
Outcomes: Organizational Ethics

• Case consultations
  • Patterns
  • Solution involves institutional response

• Non-case consultations
Documentation

• Internal documentation
  • Copy of patient chart notes
  • Process & communication

• External documentation
  • Consults where the patient participated or will impact the patient’s care
Documentation: Chart Note

- Information about consultation & patient
- Statement of ethics question
- Summary of relevant information
- Ethical analysis
- Recommendations and action plan, including options considered
Evaluation and Quality Review

• Accountability to institution
• Identify systems or structural issues
Evaluation and Quality Review

• Structure
• Process
  • Access\textsuperscript{11}
  • Efficiency
• Outcomes\textsuperscript{1}
  • Ethicality
  • Satisfaction
  • Conflict resolution
  • Education

Evaluation and Quality Review

• Ethics Consultation Quality Assessment Tool (ECQAT)\textsuperscript{12}
  • Ethics question
  • Consultation-specific information
  • Ethical analysis
  • Consultations/recommendations

\textsuperscript{12} Pearlman R, et al. (2016) “Ethics Consultation Quality Assessment Tool: A Novel Method for Assessing the Quality of Ethics Case Consultations Based on Written Records.”
Conclusions

• Have a standardized and systematic approach to consultation

• The role of the ethics consultant is ethical facilitation

• Standard documentation allows clear communication with participants as well as quality review
References


References


Questions?