

## 7.22. Ethical dilemmas

### 7.22.1. Policy

Clinical situations that raise ethical questions are a challenge to navigate. Often, there are multiple clinical facts to consider. In addition, patient values and preferences and the concerns and values of family must be taken into account. In some cases, a decision is needed quickly. Ideally, when faced with these difficult clinical situations, our team would use a systematic approach that ensures success in reaching an ethical decision or recommendation (Schumann and Alfandre, 2008).

Our practice considers ethical dilemmas, documenting any ethical dilemmas that have been considered and the outcome or solution.

### 7.22.2. Procedure

In our practice, we use the 'Four Topics' approach framework (below) to work through and gather data to facilitate decision-making in ethically difficult situations.

The 'Four Topics' approach helps to highlight areas of controversy and to clarify the principles underlying the circumstances of a clinical ethics case. This helps guide discussion among care team members, patients, and families toward achieving a resolution that respects the patient's values and preferences (Schumann and Alfandre, 2008).

| Medical indications                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Patient preferences                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Beneficence and non-maleficence</b> <ul style="list-style-type: none"> <li>• What is the patient's medical problem? History? Diagnosis? Prognosis?</li> <li>• Is the problem acute? Chronic? Critical? Emergent? Reversible?</li> <li>• What are the goals of treatment?</li> <li>• What are the probabilities of success?</li> <li>• What are the plans in case of therapeutic failure?</li> <li>• In sum, how can this patient be benefited by medical and nursing care, and how can harm be avoided?</li> </ul> | <b>Respect for patient autonomy</b> <ul style="list-style-type: none"> <li>• Is the patient mentally capable and legally competent? Is there evidence of capacity?</li> <li>• If competent, what is the patient stating about preferences for treatment?</li> <li>• Has the patient been informed of benefits and risks, understood this information, and given consent?</li> <li>• If incapacitated, who is the appropriate surrogate? Is the surrogate using appropriate standards for decision making?</li> <li>• Has the patient expressed prior preferences (e.g. advance directives)?</li> <li>• Is the patient unwilling or unable to cooperate with medical treatment? If so, why?</li> <li>• In sum, is the patient's right to choose being respected to the extent possible in ethics and law?</li> </ul> |
| Quality of life                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Contextual features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Beneficence, non-maleficence, and respect for patient autonomy</b></p> <ul style="list-style-type: none"> <li>• What are the prospects, with or without treatment, for a return to normal life?</li> <li>• What physical, mental, and social deficits is the patient likely to experience if treatment succeeds?</li> <li>• Are there biases that might prejudice the provider's evaluation of the patient's quality of life?</li> <li>• Is the patient's present or future condition such that his or her continued life might be judged as undesirable?</li> <li>• Is there any plan and rationale to forgo treatment?</li> <li>• Are there plans for comfort and palliative care?</li> </ul> | <p><b>Loyalty and fairness</b></p> <ul style="list-style-type: none"> <li>• Are there family issues that might influence treatment decisions?</li> <li>• Are there provider (physician, nurse) issues that might influence treatment decisions?</li> <li>• Are there financial and economic factors?</li> <li>• Are there religious or cultural factors?</li> <li>• Are there limits on confidentiality?</li> <li>• Are there problems of allocation of resources?</li> <li>• How does the law affect treatment decisions?</li> <li>• Is clinical research or teaching involved?</li> <li>• Is there any conflict of interest on the part of the providers or the institution?</li> </ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Source: Schumann JH, Alfandre D. Clinical ethical decision making: the four topics approach. *Semin Med Pract* 2008;11:36–42.

Examples of situations that might create ethical dilemmas in our practice include:

- Patient–practitioner relationships (familial relationships, friendships, romantic relationship)
- Professional differences
- Patients giving gifts to the practitioner
- Emotionally charged clinical situations (e.g. when a patient has an unwanted pregnancy or terminal illness, or wishes to discuss euthanasia)
- Reporting to the state's driver licensing authority that a patient is unfit to drive
- A patient's request for a medical certificate if the practitioner does not believe that the patient's condition warrants one, and

Whenever presented with an actual or potential ethical dilemma, our practice:

- Documents any ethical dilemmas that have been considered, and the outcome or solution
- Discusses ethical dilemmas at clinical team meetings
- Provides a buddy or mentoring system where ethical dilemmas can be discussed
- Uses a clinical intranet or group email to pose common ethical dilemmas and solutions for the clinical team to consider and discuss, and
- Displays a notice in the waiting room listing ethical dilemmas that practitioners sometimes encounter, and how they generally deal with them (e.g. referring the patient to another practitioner or clinic, politely refusing all offers of gifts)