

Health Law and Ethics

Prepared by Dr. Aya Mohamed

MHA 633

A practical approach to ethics

Lecture 1



A practical approach to ethics

- ✓ **Think about the concept of Ethics**
- ✓ **Levels of moral response**
- ✓ **What is Ethics?**
- ✓ **The Fact-Value Distinction**
- ✓ **Ethical reasoning**
- ✓ **Ethics Dilemmas**
- ✓ **Basic principles of medical ethics**
- ✓ **Why Ethics Become Important?**
- ✓ **Ethics and MoralityWhat are they?**
- ✓ **Ethics Vs Law**
- ✓ **Ethical Codes**

Which one would you drink?



Place matters? WHY?



Less embarrassing choices...

- I need to pass the exam..cheat or not?
- I need the organs of this dying patient... Let him die fast?
- I need the money of this Pharma company... Shall I change the results of my research on their drug?
- I need to be trained ...tell the patient you're a doctor?

Ethics is about making choices...
Usually hard ones!

What do you think?

He Killed Her!!



It Cured Him!!



Levels of moral response

- The **expressive** level (unanalyzed expressions or feeling that, by themselves, don't provide reasons or justification)
- The **pre-reflective** level (justification via law, religious tenets, social values, codes of ethics, etc.; accepted uncritically)
- The **reflective** level (reasoned ethical argument/defense based on ethical principles, rules, virtues, values to which we consciously subscribe; justification provided)

Thomas J and Waluchow W, 1998

Ethics

- explicit critical reflection on moral beliefs, practices and problems
- philosophical study of morality

*This is at the **reflective** level...*

- also known as "**moral philosophy**" and "**philosophical ethics**"
- **refers to philosophical reflection on the nature and function of morality** (that is, philosophical reflection on social conventions about right and wrong human conduct--on social principles about doing good, avoiding harm, respecting others, observing rules of justice, etc.)

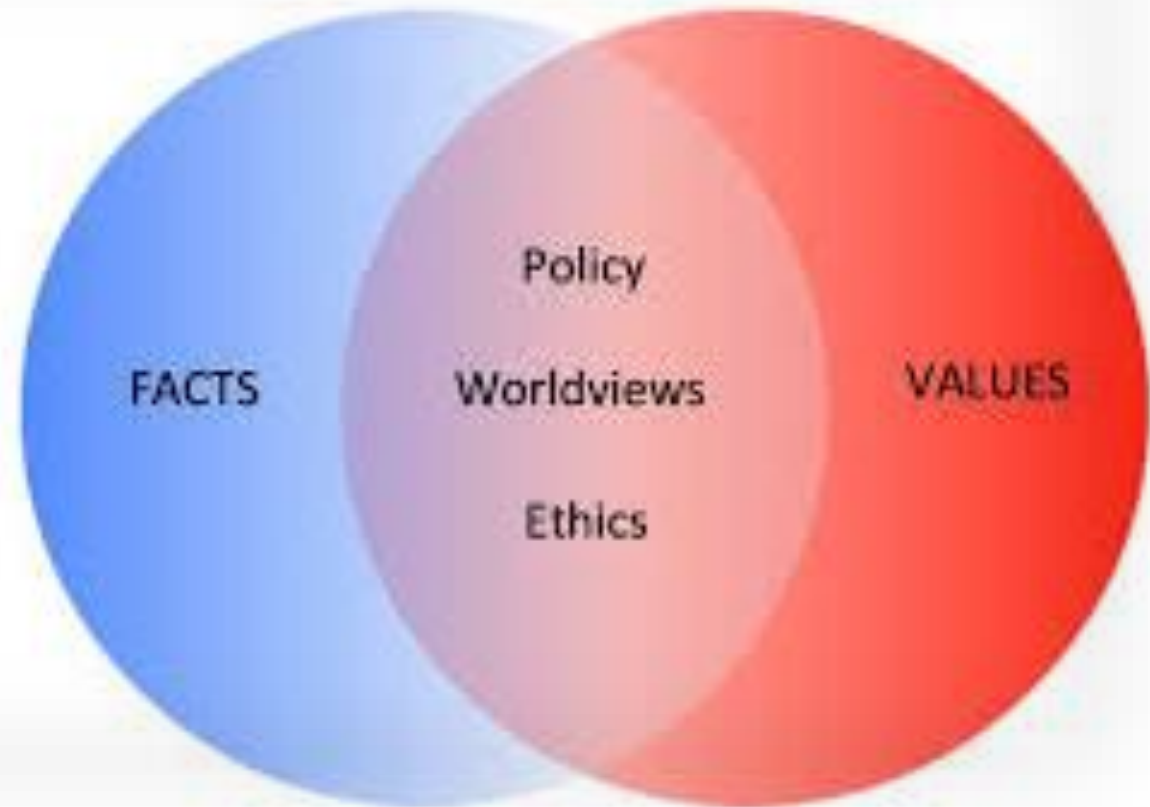
What is Ethics?

Ethics is a system of moral principles. They affect how people make decisions and lead their lives.

Ethics is concerned with what is good for individuals and society and is also described as moral philosophy.

The Fact-Value Distinction

- **Fact:** description of the way the world is; an actual state of affairs (“is”)
- **Value:** judgment about the way things should be (“ought”)
 - *no “ought” can be deduced from an “is”*



Ethical reasoning

Values and ethical principles

- **Value** = something a person/community has identified as important (e.g., autonomy/self-determination)
- Values *by themselves* don't tell us what we ought to do
- Key values in bioethics have corresponding ethical principles meant to guide action (e.g., principle of *respect for autonomy*)

Introduction

- The Greek word *ethike* means habit, action, character.
- The Latin word *mos (morals)* means habit or custom.
- In simple words, Ethics is a set of philosophical beliefs and practices concerned with the distinction between right and wrong.



What is ethics?

- ◎ A system of moral principles or standards governing conduct.
- ◎ A system of principles by which human actions and proposals may be judged good or bad, right or wrong;
- ◎ A set of rules or a standard governing the conduct of a particular class of human action or profession;
- ◎ Any set of moral principles or values recognized by a particular religion, belief or philosophy;
- ◎ The principles of right conduct of an individual.

(UNESCO/IUBS/Eubios Living Bioethics Dictionary version 1.4)

Ethics Dilemmas

Ethics covers the following dilemmas:

How to live a good life

Our rights and responsibilities

The language of right and wrong

Moral decisions - what is good and bad?



What is Medical Ethics?

Medical ethics

is a system of moral principles that apply values and judgments to the practice of medicine.



Chapter

01

Basic principles of medical ethics

- A) Respect for patient autonomy.
- b) Not inflicting harm on patients.
- c) A positive duty to contribute to the welfare of patients .
- d) Justice or fair treatment of patients.

Why Ethics Become Important?

- Nowadays, **conflicts of interests** between the government and medical institutions, between medical institutions and medical personnel, between physicians and patients are getting more and more serious and complex.
- **High technologies** not only brought us hopes of cure but have also created a heavy economic burden.
- The **ethical dilemmas** of high technology medicine-brain death, organ transplantation, and concerns about quality of life-have become increasingly prominent.
- **A new and more specific code of ethics must be developed** to meet the demands of social development and medical service.
- This new code integrates the traditional medical ethics with modern principles and values

Importance of Medical Ethics

- Ethical principles such as respect for persons, informed consent and confidentiality are **basic to the physician-patient relationship**.
- **Application** of these principles in specific situations is **often problematic**, since physicians, patients, their family members and other healthcare personnel may disagree about what is the right way to act in a situation.



Importance of Medical Ethics

- The study of ethics prepares medical professionals to **recognize difficult situations** and to deal with them in a **rational and principled manner**.
- Ethics is also important **in physicians' interactions with society** and their **colleagues** and for the **conduct of medical research**.



Ethics and Morality What are they?

The terms **ethics** and **morality** are often used interchangeably - indeed, they usually can mean the same thing, and in casual conversation there isn't a problem with switching between one and the other.

However, there is a distinction between them in philosophy!

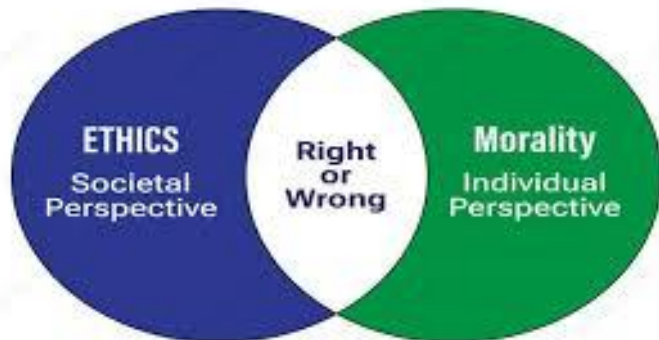
Ethics and Morality What are they?

Ethics and morals both relate to “right” and “wrong” conduct. However, **ethics** refer to the series of rules provided to an individual by an external source. e.g. their profession. On the other hand, **morals** refer to an individual’s own principles regarding right and wrong.

Chapter

01

How to Differentiate between Ethics & Moral?



Ethics and Morality Comparison

Ethics

- The rules of conduct recognized in respect to a particular class of human actions or a particular group, culture, etc. It defines how things are according to the rules.

Moral

- Principles or habits with respect to right or wrong conduct. It defines how things should work according to an individual's ideals and principles.

Ethics and Morality Comparison

Ethics

- Social system – External
- **Why we do it?**
- Because society says it is the right thing to do.
- **What if we don't do it?**
- We may face peer/societal disapproval or even be fired from our job.

Moral

- Individual – internal
- **Why we do it ?**
- Because we believe in something being right or wrong.
- **What if we don't do it?**
- Doing something against one's morals and principles can have different effects on different people, they may feel uncomfortable, remorse ندمان, depressed etc.

Ethics and Morality Comparison

Ethics

- **Acceptability**
- Ethics are governed by professional and legal guidelines within a particular time and place

Moral

- **Acceptability**
- Morality transcends cultural norms

Ethics are not ...

- Ethics are not the same as feelings
- Ethics are not religion
- Ethics are not following the law
- Ethics are not following culturally accepted norms
- Ethics are not science

Ethics are ...

- Moral Principles
- What is good and bad
- What is right and wrong
- Based on value system
- Ethical norms are not universal – depends on the subculture of the society

Ethics refers to standards of behavior that tell us how human beings ought to act in the many situations in which they find themselves as friends, parents, children, citizens, businesspeople, teachers, professionals, and so on.

- 1. **Ethics** are rules of conduct.
- **Laws** are rules developed by governments in order to provide balance in society and protection to its citizens.
- 2. **Ethics** comes from people's awareness of what is right and wrong.
- **Laws** are enforced by governments to its people.



Ethics Vs Law

- 3. **Ethics** are moral codes which every person must conform to.
- **Laws** are codifications of ethics meant to regulate society.
- 4. **Ethics** does not carry any punishment to anyone who violates it.
- **The law** will punish anyone who happens to violate it.
- 5. **Ethics** comes from within a person's moral values.
- **Laws** are made with ethics as a guiding principle.



Ethics Vs Law

Historically...

Medical ethics may be traced to guidelines on the duty of physicians such as the Hippocratic oath

A physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. These are not laws, but standards of conduct which define the essentials of honorable behavior for the physician.

Ethical Codes

- Hippocratic Oath – 5th century BC
- Nuremberg Code -1948
- Declaration of Geneva - 1948
- Universal Declaration of Human Rights-1948
- Helsinki Declaration -1964
- International Code of Medical ethics
- Indian Medical Council (Professional Conduct, Etiquettes and Ethics) Regulations, 2002



Hippocratic Oath

- One of the **earliest** document in medical ethics – 5th century BC.
- Traditionally all **doctors recite this oath at swearing in**. It is considered sacred for its religious foundation and sanctity.



dayala0332c images.google.com



HIPPOCRATIC OATH



SWEAR by Apollo the physician and Asclepius and Hygieia and Panacea, invoking all the gods and goddesses to be my witnesses, that I will fulfil this Oath and this written covenant to the best of my powers and of my judgment. I will look upon him who shall have taught me this art even as on mine own parents; I will share with him my substance, and supply his necessities if he be in need; I will regard his offspring even as my own brethren, and will teach them this art, if they desire to learn it, without fee or covenant.

I WILL IMPART it by precept, by lecture and by all other manner of teaching, not only to my own sons but also to the sons of him who has taught me, and to disciples bound by covenant and oath according to the law of the physicians but to none other.

THE REGIMEN I adopt shall be for the benefit of the patients to the best of my power and judgment, not for their injury or for any wrongful purpose. I will not give a deadly drug to any one, though it be asked of me, nor will I lead the way in such counsel; and likewise I will not give a woman a pessary to procure abortion. But I will keep my life and my art in purity and holiness. I will not use the knife, not even, verily, on sufferers from stone, but I will give place to such as are craftsmen therein.

WHATSOEVER HOUSE I enter, I will enter for the benefit of the sick, refraining from all voluntary wrongdoing and corruption, especially seduction of male or female, bond or free.

WHATSOEVER THINGS I see or hear concerning the life of men, in my attendance on the sick or even apart from my attendance, which ought not to be blabbed abroad, I will keep silence on them, counting such things to be as religious secrets.

IF I FULFIL this oath and confound it not, be it mine to enjoy life and art alike, with good repute among all men for all time to come; but may the contrary befall me if I transgress and violate my oath.

Nuremberg Code - 1948



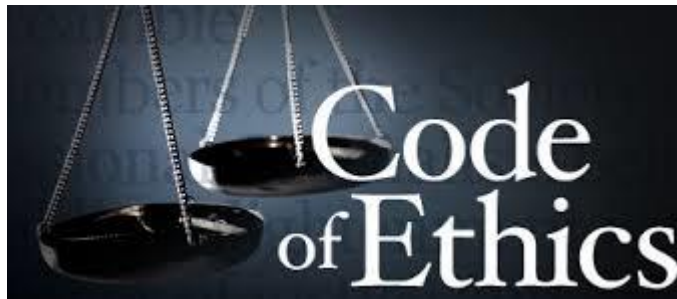
The Nuremberg Code

- **Voluntary informed consent**
- **Likelihood of some good resulting**
- **Based on prior research (animal models)**
- **Avoidance of physical or psychological injury or harm**
- **Benefits should outweigh risks**
- **Proper experience of researcher**
- **Right to withdraw consent**
- **Research must stop if harm is resulting**

(no specific mention of children, unconscious people, or others who may not be competent to give consent)

Declaration of Geneva

- Adopted at World Medical Association General Assembly in 1948.
- Amended in 1968, 1984, 1994, 2005 and 2006.
- Declaration of **physicians' dedication to the humanitarian goals of medicine.**



THE WORLD MEDICAL ASSOCIATION DECLARATION OF GENEVA

At the time of being admitted as a member of the medical profession:

I SOLEMNLY PLEDGE to consecrate my life to the service of humanity;

I WILL GIVE to my teachers the respect and gratitude that is their due;

I WILL PRACTISE my profession with conscience and dignity;

THE HEALTH OF MY PATIENT will be my first consideration;

I WILL RESPECT the secrets that are confided in me, even after the patient has died;

I WILL MAINTAIN by all the means in my power, the honour and the noble traditions of the medical profession;

MY COLLEAGUES will be my sisters and brothers;

I WILL NOT PERMIT considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to intervene between my duty and my patient;

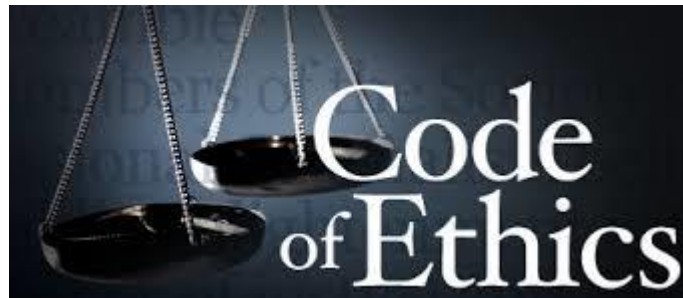
I WILL MAINTAIN the utmost respect for human life;

I WILL NOT USE my medical knowledge to violate human rights and civil liberties, even under threat;

I MAKE THESE PROMISES solemnly, freely and upon my honour.

Helsinki Declaration

- Set of ethical principles regarding **human experimentation** developed by the World Medical Association in **1964**.
- Undergone 6 revisions since then. Last revision in 2008.
- More specifically addressed **clinical research, reflecting changes** in medical practice from the term 'Human Experimentation' used in the Nuremberg Code.



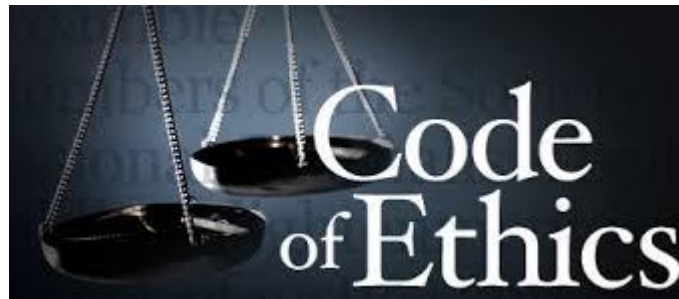


The Declaration of Helsinki

- ❖ “The well-being of the human subject should take precedence over the interests of science and society”
- ❖ Consent should be in writing
- ❖ Use caution if participant is in dependent relationship with researcher
- ❖ Limit use of placebo
- ❖ Participants benefit from research

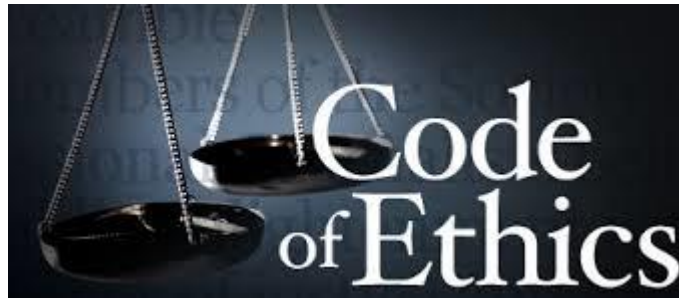
International Code of Medical Ethics -2006

- Given by World Medical Association
- The code applies **both in peace and war**.
- It codifies the **duties of physician in general, duties to patients and colleagues**.



MCI Regulations - 2002

- The Medical Council of India notified the “Indian Medical Council (Professional Conduct, Etiquettes and Ethics) Regulations, 2002” on **11 March 2002**.
- Last amended in 2010.



• Declaration-

Each applicant, at the time of making an **application for registration** under the provisions of the Act, shall be provided a copy of the declaration and shall submit a duly signed Declaration.

APPENDIX - 1

A. DECLARATION

At the time of registration, each applicant shall be given a copy of the following declaration by the Registrar concerned and the applicant shall read and agree to abide by the same:

- 1) I solemnly pledge myself to consecrate my life to service of humanity.
- 2) Even under threat, I will not use my medical knowledge contrary to the laws of Humanity.
- 3) I will maintain the utmost respect for human life from the time of conception.
- 4) I will not permit considerations of religion, nationality, race, party politics or social standing to intervene between my duty and my patient.
- 5) I will practice my profession with conscience and dignity.
- 6) The health of my patient will be my first consideration.
- 7) I will respect the secrets which are confined in me.
- 8) I will give to my teachers the respect and gratitude which is their due.
- 9) I will maintain by all means in my power, the honour and noble traditions of medical profession.
- 10) I will treat my colleagues with all respect and dignity.
- 11) I shall abide by the code of medical ethics as enunciated in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002.

I make these promises solemnly, freely and upon my honour.

Signature
Name
Place
Address

Conclusion

- "A good doctor treats the disease; a great doctor treats the patient who has the disease." – William Osler.
- "The art of medicine consists of amusing the patient while nature cures the disease." – Voltaire.
- "Wherever the art of medicine is loved, there is also a love of humanity." – Hippocrates.

Ethics is knowing the difference between what you have a right to do and what is right to do. A man without ethics is a wild beast loosed upon this world.

A practical approach to ethics

- ✓ **Think about the concept of Ethics**
- ✓ **Levels of moral response**
- ✓ **What is Ethics?**
- ✓ **The Fact-Value Distinction**
- ✓ **Ethical reasoning**
- ✓ **Ethics Dilemmas**
- ✓ **Basic principles of medical ethics**
- ✓ **Why Ethics Become Important?**
- ✓ **Ethics and MoralityWhat are they?**
- ✓ **Ethics Vs Law**
- ✓ **Ethical Codes**



Thank You