

Health Law and Ethics

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MHA 633

A practical approach to ethics

Lecture 2



In the previous Lecture: 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

A practical approach to ethics

Key concepts in medical ethics

Medical Ethics Vs Bioethics

What Are Ethical Principles?

- ☐ **The Principle of Non-Maleficence**
- ☐ **The Principle of Beneficence**
- ☐ **The Principle of Autonomy**
- ☐ **The Principle of Veracity**
- ☐ **The Principle of Confidentiality**
- ☐ **The Principle of Justice**
- ☐ **The Principle of Privacy**

Key concepts in medical ethics

- **Professional ethics** are standards of conduct that apply to people who occupy a professional occupation or role.
- A person who enters a profession acquires ethical obligations because society trusts them to provide valuable goods and services that cannot be provided unless their conduct conforms to certain standards.
- Professionals who fail to live up to their ethical obligations betray this trust.
- Professional ethics studied by ethicists include medical ethics.

Key concepts in medical ethics

- **Medical ethics**
- Concerns issues related to practice of medicine
- Explores and promotes principles guiding conduct of health care professionals
- Involves the consideration of others in deciding how to act
- It is applied ethics. It consists of the same moral principles and rules that we would appeal to ,and argue for, in ordinary circumstances.

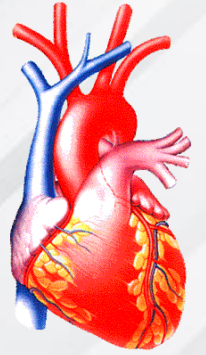
Key concepts in medical ethics

Bioethics (Biomedical ethics)

Bioethics could be defined as the study of ethical issues and decision-making associated with the use of living organisms

- Bioethics includes medical ethics. Bioethics is learning how to balance different benefits, risks and duties.
- **Bioethics:** “a field of study concerned with the **ethics** and **philosophical implications** of certain **biological** and **medical procedures, technologies, and treatments**, such as organ transplants, genetic engineering, and care of the terminally ill”

A classic bioethical decision



- One heart available → who should get it?

17-year-old girl



40-year-old school
principal



70-year-old
woman

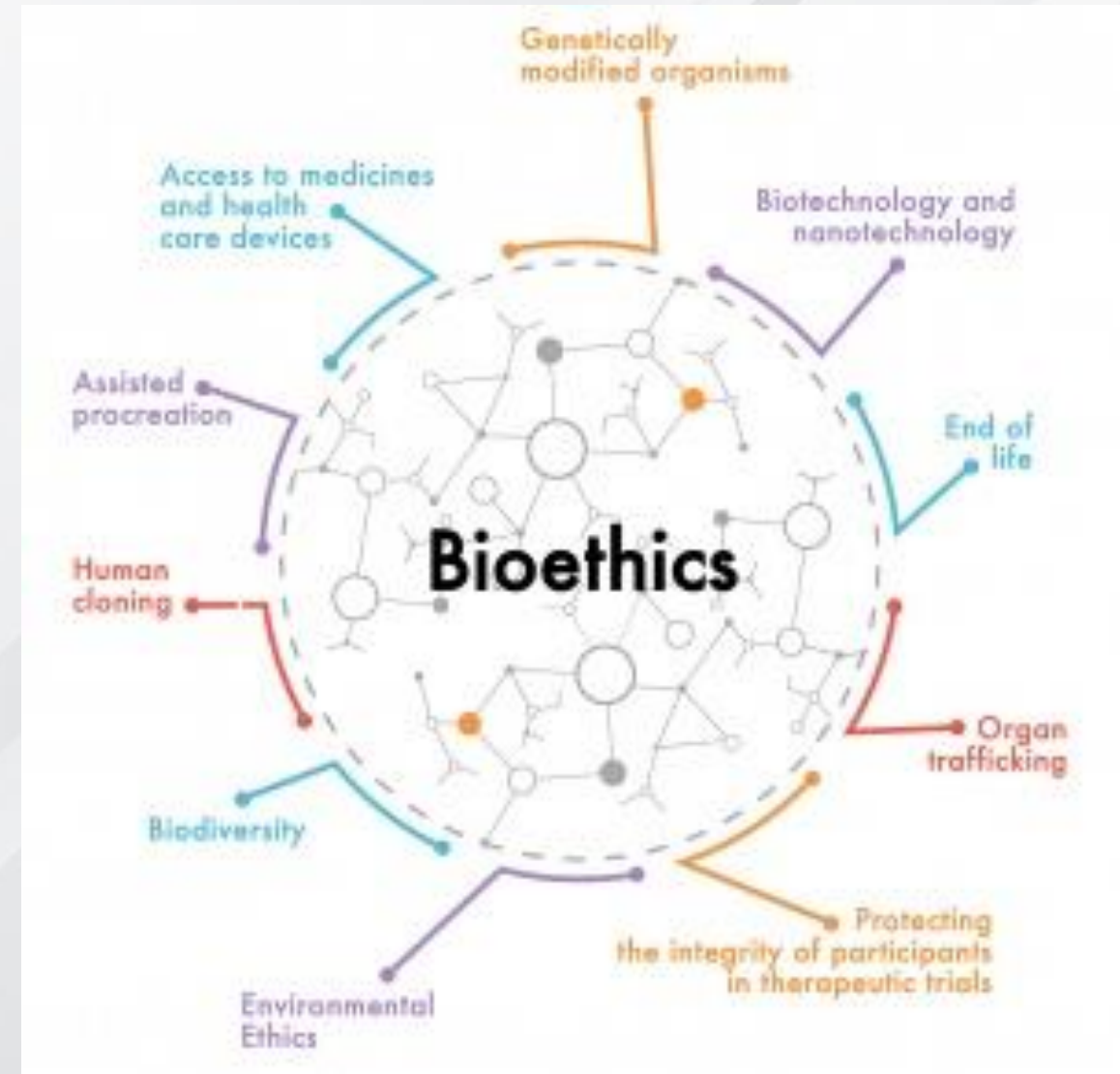


Questions answered by Bioethics

- Deciding ***what*** we should do
(what decisions are morally right or acceptable);
- Explaining ***why*** we should do it
(how do we justify our decision in moral terms); and
- Describing ***how*** *we should do it*
(the method or manner of our response when we act on our decision).

Medical Ethics Vs Bioethics

- Whereas **medical ethics** focuses primarily on issues arising out of the **practice of medicine**, **bioethics** is a very broad subject that is concerned with the moral issues raised by **developments in the biological sciences** more generally.



Key concepts in medical ethics

Clinical medical ethics is a practical and applied discipline that aims to improve patient care and patient outcomes by focusing on reaching a right and good decision in individual cases.

- It focuses on the doctor-patient relationship and takes account of the ethical and legal issues that patients, doctors, and hospitals must address to reach good decisions for individual patients.

Key concepts in medical ethics

Medical Etiquettes:

- The conventional laws, customs of courtesy and the code of conduct governing the **relationship of the physician with his professional colleagues.**



What is an “ethical issue” or a “moral problem”?

- There is an ethical issue when:
 - ...we encounter **conflicting values**, beliefs, goals, or responsibilities
 - ...we are concerned that persons or their **rights are not being respected**
 - ...we are concerned about **fairness and justice**
 - ...we are **unsure** *what* we should do or *why* we should do it, morally speaking

What else could it be?

- **Miscommunication** stands for 70-80% of problems in healthcare
 - E.g. Doctors don't know to tell medical info
- **Management** issue
 - “when shall I get promoted? All my colleagues did. This is not ethical!”
- **Financial** issue
 - “I am underpaid for my workload. This is not ethical!”

The content of clinical ethics includes

- Specific issues such as
 - 1.truth-telling,
 - 2.informed consent,
 - 3.end of life care,
 - 4. palliative care,
 - 5.allocation of clinical resources,
 - 6. the ethics of medical research.
- The study of the doctor-patient relationship, including such issues as
 - 1. honesty,
 - 2.competence, integrity,
 - 3.respect for persons.



Chapter

01

Components of Medical Ethics

- The Physician -- Patient Relationship
- The Physician -- Physician Relationship
- The relationship of the Physician to the System of Healthcare
- The Relationship of the Physician to Society

What Are Ethical Principles?

- The Principle of Non-Maleficence
- The Principle of Beneficence
- The Principle of Autonomy
- The Principle of Veracity
- The Principle of Confidentiality(or Fidelity)
- The Principle of Social Responsibility and Justice

PRINCIPLES OF ETHICS



AUTONOMY



BENEFICENCE



NONMALEFICENCE



JUSTICE

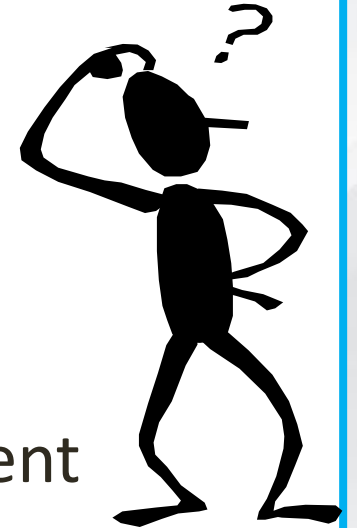
What Are Ethical Principles?

The Principle of Non-Maleficence

- Requires that a procedure does not harm the patient involved or others in society.

Concern about:

- first do no harm
- sanctity of life
- be aware of the doctrine of double effect, where a treatment intended for good unintentionally causes harm.



The Principle of Non-Maleficence

- **“Above all, do no harm,”** – Make sure that the procedure does not harm the patient or others in society
- When interventions undertaken by physicians create a positive outcome while also potentially doing harm it is known as the **"double effect."**
- Eg,. the use of morphine in the dying patient. eases pain and suffering while hastening the demise through suppression of the respiratory drive



NON MALEFICENCE

The Principle of Non-Maleficence

Physicians are obligated not prescribe medications they know to be harmful.

Some interpret this value to exclude the practice of euthanasia

Violation of non-maleficence is the subject of medical malpractice litigation

The Principle of Beneficence

- Requires that the procedure be provided with the intent of doing good for the patient involved.
- Demands that health care providers develop and maintain skills and knowledge, continually update training, consider individual circumstances of all patients, and strive for net benefit.
- patient's welfare as the first consideration
- All healthcare providers must strive to improve their patient's health, to do the best for the patient in every situation.
- what is good for one patient may not be good for another, so each situation should be considered individually.

The Principle of Beneficence

- The practitioner should act in “the best interest” of the patient - the procedure be provided with the intent of doing good to the patient
- **Patient’s welfare** is the first consideration.
- This needs health care provider to,
 - - develop and maintain skills and knowledge by continually updating training
 - - consider individual circumstances of all patients

The Principle of Autonomy

- People have the right to control what happens to their bodies.
- This principle simply means that an informed, competent adult patient can refuse or accept treatments, drugs, and surgeries according to their wishes.
- People have the right to control what happens to their bodies because they are free and rational.
- These decisions must be respected by everyone, even if those decisions aren't in the best interest of the patient.

The Principle of Autonomy

- Patient has freedom of thought, intention and action when making decisions regarding health care procedures
- For a patient to make a fully informed decision, she/he must understand all risks and benefits of the procedure and the likelihood of success.

Always respect the autonomy of the patient - then the particular patient is free to choose

Such respect is not simply a matter of attitude, but a way of acting so as to recognize and even promote the autonomous actions of the patient.

The autonomous person may freely choose loyalties or systems of religious belief that may adversely affect him

The Principle of Autonomy

- The patient must be informed clearly the consequences of his action that may affect him adversely.
- Desiring to "benefit" the patient, the physician may strongly want to intervene believing it to be a clear "medical benefit." The physician has a duty to respect the autonomous choice of the patient, as well as a duty to avoid harm and to provide a medical benefit.

The Principle of Autonomy

- But the physician should give greater priority to the respect for patient autonomy than to the other duties.
- However, at times this can be difficult because it can conflict with the paternalistic attitude of many health care professionals.
- **In the case of a child**, the principle of avoiding the harm of death, and the principle of providing a medical benefit that can restore the child to health and life, would be given precedence over the autonomy of the child's parents as surrogate decision makers.



The Principle of Autonomy

Autonomy

- Patient has freedom of thought, intention and action when making decisions regarding health care procedures.
- For a patient to make a fully informed decision, she/he must understand all risks and benefits of the procedure and the likelihood of success.
- This includes the need to tell the truth (veracity) and to be faithful to one's commitments (fidelity).

The Principle of Veracity

It refers to telling the truth. Loss of truth results in loss of relation with the patient as well as loss of credibility and respect from other professionals and patients alike.



e.g.: If the patient ask any question, the physician must give him the correct information and not to liar

The Principle of Veracity

- Truth telling
- Obligation to full and honest disclosure

Medical malpractice

- An act or omission by a health care provider that deviates from accepted standards of practice in the medical community which causes injury to the patient.

The Principle of Confidentiality

- Based on loyalty and trust
- Maintain the confidentiality of all personal, medical and treatment information
- Information to be revealed with consent and for the benefit of the patient
- Except when ethically and legally required
- Disclosure should not be beyond what is required

Confidentiality...

- Breaking it legally!
 - (a) **The notification of births and deaths** under the National Health Service Act 1977 Section 124 and regulation (1982 SI. No. 286).
 - (b) **Notification of communicable disease** covered by the Public Health (Control of Disease) Act 1984 and Public Health (Infectious Diseases) Regulations 1988.
 - (c) **Notification of abortion** — Abortion Regulations 1991, regulations 4—5 (duty of medical practitioner to notify of abortions carried out and circumstances in which further disclosure of that information may be required or requested).
 - (d) **Serious accidents** covered under the Health and Safety at Work etc. Act 1974. Regulations on the Reporting of Injuries Diseases and Dangerous Occurrence (1985 and 1989) and Road Traffic Acts.

Confidentiality....

- Breaking it legally!

(e) **Acts of Treason and Intention** to cause explosion to Her Majesty's Dockyards.

(f) There are certain obligations to pass on information under the **Mental Health Act 1983**; **Mental Health Patients in the Community Act 1995**; **Mental Health Act (Scotland) 1984**; **Mental Health NI Order 1986**; and the **Mental Treatments Acts (Ireland) 1945—61**.

(g) **Section 1 — AIDS Control Act 1987** (duty of health authority and others to make reports of number, but not the identity of, persons with AIDS or known to be HIV antibody positive).

(h) **Section 18 — Prevention of Terrorism Act 1989** (power to require the production of information from any person, making it an offence to fail to volunteer that information).

(i) **Road Traffic Act 1988 (S.172)**, which **may require an attending doctor to provide the identity of patients he/she has treated following a road traffic accident**.

The Principle of Justice

- Justice is a complex ethical principle, with meanings that range from the fair treatment of individuals to the equitable allocation of healthcare dollars and resources.
- Justice is concerned with the equitable distribution of benefits and burdens to individuals in social institutions, and how the rights of various individuals are realized.
- Allocating scarce medical resources.
- Be able to justify your actions in every medical situation.

The Principle of Justice

- The distribution of scarce health resources, and the decision of who gets what treatment “fairness and equality”
- The burdens and benefits of new or experimental treatments must be distributed equally among all groups in society
- The four main areas that Health care provider must consider when evaluating justice
 - 1. Fair distribution of scarce resources
 - 2. Competing needs
 - 3. Rights and obligations
 - 4. Potential conflicts with established legislations

The Principle of Justice

Equity or Justice

- Fair and equal distribution of scarce health resources, and the decision of who gets what treatment.
- The burdens and benefits of new or experimental treatments must be distributed equally among all groups in society.

The Principle of Privacy

It is the right to **respect** one's human being for his/her **personal life** and also consider privacy during examination and treatment.

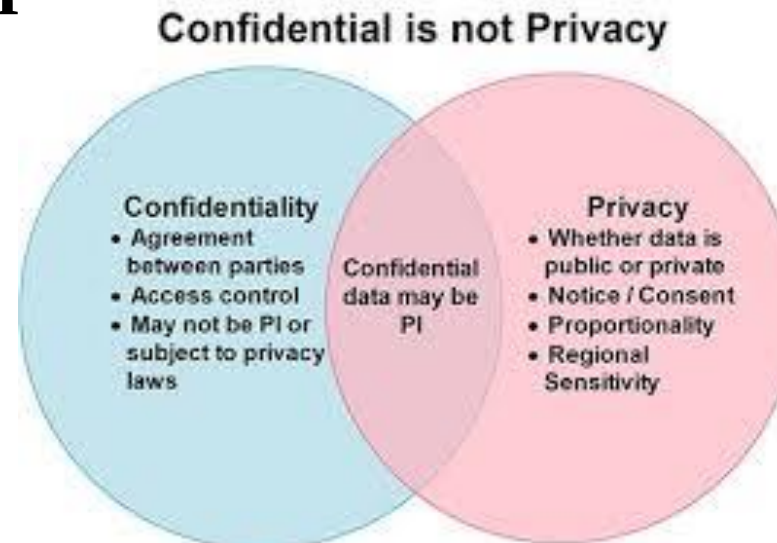


Privacy

• Confidentiality

**Concerning with the
body of the patient**

**Concerning with the
information about the patient**



- **Autonomy ('self-rule')**
 - Help patients to make their own decisions and respect these decisions even if you disagree
- **Beneficence (Do Good)**
 - Doing what is best for the patient – but what is the best?
May conflict with autonomy
- **Non-maleficence (Do no Harm)**
- **Justice/Equity**
 - time and resources



Ethics Principles

Conclusion

- MEDICINE means Mercy - Empathy - Dare - Integrity - Care - Ingenuity - Nobility - and Ethics.
- Sick are not those who possess a sickness, but those who are possessed by sickness.

“For a patient to be fully treated by a doctor, the patient must be willing to put all psychological guards down and be vulnerable. And this can only happen if the patient can trust the doctor, and this trust can only be induced through the release of oxytocin, which can only be triggered in the patient's brain by the will of a doctor with a genuine act of kindness on the doctor's part.”

— Abhijit Naskar, Time to Save Medicine

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Thank You