

Clinical Ethics: Whose is it to decide?

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Disclosure

- ▶ Dr. Henriksen has no conflicts of interest to disclose
- ▶ The content and opinions offered are those of the speaker and not of Mayo Clinic

Objectives

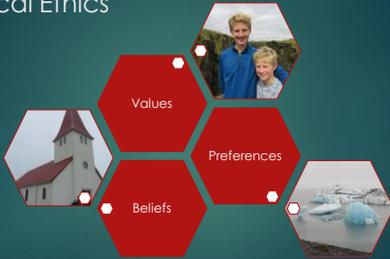
- ▶ Describe the relationship between clinical judgments and values
- ▶ List three common reasons for clinical ethics consults
- ▶ Explain two ways a claim of "futility" may obstruct shared decision making

Clinical Ethics

► Currency of clinical ethics = NARRATIVE

ALL ABOUT THE STORY

Clinical Ethics



“Clinical”

► Medicine and Science not completely “objective”

► Based in Values

"Ethics"

- ▶ Giving Reasons
- ▶ Reflection on the intersection of values

Clinical Ethics

- ▶ Reflection on the intersections of values in clinical settings

Tools of Clinical Ethics

- ▶ Theories
- ▶ Principles
- ▶ Codes
- ▶ Guidelines
- ▶ Policies
- ▶ Law
- ▶ Argument

Work of Clinical Ethics

- ▶ Listening
- ▶ Questioning
- ▶ Eliciting
- ▶ Revealing
- ▶ Reasoning
- ▶ Interpreting
- ▶ Facilitating

Clinical Ethics as Process

- ▶ Discerning
- ▶ Prioritizing
- ▶ Negotiating

- ▶ NOT:
 - Right and Wrong
 - Black and White
 - Judging others
 - Telling people what to do

Questions of Clinical Ethics



How Ethics Consult Works

- ▶ Request
- ▶ Gather Information
- ▶ Moral Deliberation
- ▶ Recommendations

- ▶ Open To All
- ▶ No Charges

Example Narratives

- ▶ Illustrate Common Questions
- ▶ Discuss Basic Approaches

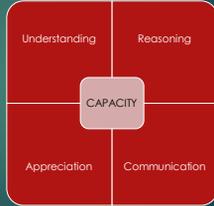
- ▶ Composite cases – de-identified

Cases of "Who?" - Mr. Change-of-Heart

- ▶ 75-year-old male, chronic dialysis, diabetes and vascular disease
- ▶ Gangrene lower extremity, above knee amputation needed
- ▶ Tells nurse at night that he is "finished," tells surgeon "no more"
- ▶ Wife "erupts" at news, tells team "no negative talk"
- ▶ Wife says, "He will have surgery."
- ▶ Surgeon asks again with patient alone, patient consents

Capacity for Decision-Making

- ▶ Clinical judgment
- ▶ Not "competence"
- ▶ Decision-specific



Cases of "Who?" - Mr. Family-Disagrees

- ▶ 52-year-old male after extended resuscitation for heart attack
- ▶ Receiving ventilator and blood pressure support in ICU
- ▶ Bilateral above knee amputations needed
- ▶ Father: "He has gone through enough," "...not a life."
- ▶ Fiancé and teenage daughter: "He could still do the things he loves without his legs."
- ▶ Father hospitalized with signs of stroke

Alternate Decision-Making



Graphic based on ABA Commission on Law and Aging table found at https://www.amelicanbar.org/content/dam/aba/administrative/law_aging/2011/default_autogate_content_table/autoftrcheckdam.pdf

Alternate Decision-Makers

- ▶ Knows the patient well
- ▶ Has capacity
- ▶ Can take patient's perspective
- ▶ Acting in patient's best interest
- ▶ Can speak to patient's values and preferences

Cases of "What?" - Ms. Do-We-Stop

- ▶ 16-year-old female with infection of transplanted heart
- ▶ Full support including ECMO
- ▶ Prior to re-listing, family had said she didn't want re-transplant

- ▶ Survived infection, no heart recovery
- ▶ Awakened, agreeable to transplant
- ▶ Months on ECMO, transplant not likely

- ▶ Off transplant list, won't survive off ECMO

Cases of "What?" - Mrs. Do-Everything

- ▶ 67-year-old female, hospital day 65, transfers floor to ICU
- ▶ Supported by ventilator, cardiac meds, dialysis
- ▶ Pain control challenges, minimal interaction
- ▶ Metastatic cancer with no cure-directed therapies
- ▶ Full code, Middle Eastern Muslim culture, family making decisions
- ▶ Recommendation for DNR/DNI and comfort care
- ▶ Team distressed: "I feel like I'm torturing her." "This is futile."

"Futility"

- ▶ Futility= judgment about the effectiveness of a certain intervention to reach a goal
- ▶ "Qualitative Futility"
- ▶ Disagreement about whether an intervention "works"
- ▶ "Works" for what end?

Dispute Over Goals

- ▶ Team: ventilator, is not working to achieve meaningful recovery
- ▶ Family: ventilator, is working to keep her alive.
- ▶ Goals of Care Conflict
 - ▶ not necessarily questioning clinical expertise or judgment

Shared Decision-Making

- ▶ Process of deliberation with patients
 - ▶ Clinician: medical information
 - ▶ Patient: self-knowledge, values, goals
- ▶ Honors interdependence
- ▶ Requires engaging patient values and goals
- ▶ Choices based in "meaning"
- ▶ Prioritizes patient values

Summary

- ▶ Clinical practice is moral work
- ▶ Clinical ethics is reflection on intersections of values in healthcare
- ▶ Issues in clinical ethics have basic questions & complex answers
- ▶ Foundational commitment to prioritize patient values

Thank you!

- ▶ Discussion
- ▶ Questions

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