Dealing With Ethical Challenges

How occurrences can be addressed before they happen.

Ethical conflicts can be detrimental to the organization. Are there ways to decrease the frequency of ethical conflicts?

Ethical challenges are a common occurrence for both clinicians and healthcare executives. Many hospitals and other healthcare organizations have ethics committees to help clinicians and administrators respond to ethical conflicts or questions. Ethics committees have a long history; however, the past 10–15 years have seen a shift in the scope, reach and responsibilities of the traditional ethics committee. The shift includes:

- Focusing on today’s expanded healthcare delivery environment to include outpatient and primary care settings, as well as the inpatient setting
- Addressing organizational and management issues in addition to clinical conflicts
- Directing activities toward the organization’s mission, code of ethics and value statement, not just individual patient rights
- Applying a proactive approach in addition to a reactive approach to ethical conflicts

Since their inception, a common activity for ethics committees is to provide a consultation service to assist staff in addressing ethical conflicts. This approach tends to be in response to an existing, immediate conflict. This traditional reactive approach to complex and challenging ethical conflicts can be helpful to the involved parties. However, using the traditional process has several potential concerns.

Responding to an ethical conflict can be stressful and carry time limitations that can affect a thoughtful assessment of the conflict. The presence of ethical conflicts can potentially take a toll on the culture of the organization and the involved staff because of the inherent uncertainty surrounding the conflict. It also has been suggested that a traditional approach tends to accept that ethical conflicts are recurring while ignoring the underlying system or organizational structure causing the conflict. Despite these concerns, having a competent and available ethics consultation program is essential because ethical conflicts will arise and need immediate attention.

Adopting a Proactive Approach

What may be an arguably more important feature of an ethics committee is having a proactive approach to ethical conflicts. A proactive approach, emphasizing the prevention of ethical conflicts by fostering the development of ethical practice protocols or guidelines that are integrated into the culture of the organization, can enhance the quality of care and is a way to reduce the frequency of ethical conflicts.

The proactive approach to addressing ethical conflicts is based on five basic steps:
1. Identify the recurring ethical issues that create conflict or uncertainty

2. Study the ethical issues in a systematic and system-oriented manner

3. Develop ethical practice protocols to guide clinicians and executives when the conflict arises again

4. Propagate the protocols into the organization’s culture so all staff are aware of the guidelines and the rationale driving the guidance

5. Review whether the protocols are adequately addressing and decreasing the occurrence of the ethical conflicts

The proactive, preventive approach can be used in various settings and situations. For example, a member of the ethics committee could meet with the patient safety officer, head of human resources, vice president of operations or the intensive care staff and ask, “What are the recurring ethical issues you and your staff encounter?” Those identified and prioritized ethical issues could be systematically and thoughtfully discussed with all appropriate parties leading to an ethically grounded, proactive set of guidelines. Once the guidelines are shared, the level of uncertainty can be decreased.

Another situation where a proactive approach could be employed is when the ethics committee members recognize that cases brought to their attention raise a recurring ethical issue. The recognition that ethical cases recur strongly suggests that guidelines are needed.

Even though a thoughtful process leading to the development of a set of ethical guidelines may seem time consuming and arduous, it has the advantage of creating an environment of increased ethical certainty and staff satisfaction by avoiding stressful ethical conflicts. In the long run, the preventive approach will decrease the ethical conflicts from escalating into troubling issues for the staff.

Despite the importance of developing a proactive approach, ethics committees should continue to have a competent and available reactive ethics case consultation service to address clinical and organizational ethics questions that require an immediate response. However, the addition of a preventive approach also is needed. The approach will enhance the organization’s overall ethical culture by helping staff understand the right thing to do, thus reducing the occurrence of ethical conflicts.

For more information on ethics, go to ache.org to find ACHE’s Ethics Toolkit.

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