

Ethics in Health Care

C Clark MFamMed (UFS)

Principal Specialist/Senior Lecturer

Dept of Family Medicine PMHC

(Medunsa)

University of Limpopo

Polokwane

Objectives

- At the end of the presentation we should have understood as Health Care workers some of our roles to ourselves, patients, colleagues and society
- We should have known some Principles of Ethics
- To be able to explore some of the Ethical Dilemma in Health Care
- To understand Decision-making in Ethics

Outline of Presentation

- Objectives
- Scenarios
- Some Definitions
- What is Ethics?
- Why Ethics?
- HIV and the LAW
- HIV/AIDS, the LAW and the Work-place
- Historical Perspectives
- Ethical Principles in HealthCare
- Making an Ethical Decision
- Ethics Committee: Historical Background

Outline of Presentation cont...

- Declaration of Geneva 1948
- Declaration of Venice 1983
- Declaration of Hamburg 1997
- Declaration of Helsinki 2003
- Concluding Principle from World Medical Association (WMA)
- Conclusion
- Hippocratic Oath
- References

Scenario 1

A 24 year old lady presents in OPD very much agitated requesting HIV test for her 5/12 old child.

Scenario 1 cont..

She tells you between sobs that her maid (helper) who she didn't fire although she knew she was HIV +ve was apparently breast feeding her child instead of using the EBM she usually leaves in the fridge for the baby.

Discuss the ethical issues involved ?

Scenario 2

A colleague of yours regularly phones in on Monday mornings to report ill-health. You discuss the matter with him as it disrupts the work schedule and he has to supervise Interns.

Scenario 2 cont...

He tells you that he knows his rights and was tired of “all these morality issues”

What are the Ethical Issues involved?

Scenario 3

A 25 year old female was referred for scaling and filing. On inspection there were oral manifestations of HIV/AIDS.

Scenario 3 cont...

She confides in you that she is HIV
Pos. but does not want her boyfriend
to know

Scenario 3 cont...

You discuss the implications with her but she is adamant.

What are the ethical issues involved?

Scenario 4

You were in OPD consulting when you suddenly heard screams from the corridor. You rush out to see what was happening

A colleague of yours was standing
over a young lady who was
screaming and rolling on the floor.

Scenario 4 cont..

You ask him what was the problem. He calmly tells you that he just told her that she was HIV positive.

What are the Ethical Issues involved?

Scenario 5

After the Friday Ward round you instruct your intern not to call you should the 90yr old pt change condition

Scenario 5 cont...

You pat him on the back, reassure him that the prognosis was poor and there was no more quality of life so he shouldn't tie-up the ICU bed.

What are the Ethical issues involved?

Scenario 6

The Employer of a patient of yours requests access to his records for recurrent ill health.

How would you manage the request?

Scenario 7

A 65yr old terminally ill patient of yours confides in you that he 'could no longer take it.'
He requests for 'a shot to end it all.'

How would you manage him?

Scenario 8

A friend of yours confides in you that his maid was HIV +ve and he is in a dilemma because he has a 11year old daughter. He is worried that although he lectures this issue every time - “it was different kettle of fish” encountering it personally at home

How would you manage him?

Scenario 9

A 16 year old daughter of a friend presents requesting TOP. She is 8/40 amenorrheic. She does not want her parents to know
How would you manage her?

Some Terms

- Ethics
- Morality
- Character
- Disposition
- Moral Pluralism
- Moral Truth
- Moral Skeptics
- Realism
- Naturalism
- Autonomy
- Confidentiality

What is Ethics?

The English word “Ethics” is
derived from the Greek word
“Ethos” which means “Character”
or
“Disposition”

Ethics is the study of Morality or Human Value

It deals with how we ought to live
or what constitutes right and/or
wrong

Ethics

Ethics deals with the codes, values, principles and customs of a people or society

Medical Ethics

Medical Ethics guides Healthcare Workers: Doctors, Dentists etc in their relationships with patients, colleagues and society in general

Medicine, Dentistry etc are professions
based on relationships of trust with
patients

Concurrently doctors, dentists etc are human beings and professionals

- As humans we have “Natural duties”
- As Professionals we have “Moral Obligations”
- As Professionals working in an Institution we have “duties”. These duties are in our Employment contracts, Job descriptions etc

What it means to have a duty:

- Duties to patient
- Duties to Colleagues and other professionals
- Duties to other professionals patient
- Duties to yourself
- Duties to Society
- Duties to your profession
- Duties to the environment

The term “profession” means
“dedication or commitment publicly
made”

“To be a good doctor or dentist
requires a life-long commitment
to good professional and ethical
practices...”

In essence, the practice of
medicine and dentistry is a moral
enterprise

Morality

According to Web Dictionary:
Morality is a system of principles
and judgments based on cultural,
religious and philosophical concepts
and beliefs by which humans
determine whether a given action is
right or wrong

Moral Pluralism

To accept certain amount of moral
diversity

Moral Truth

Raises question of whether there is
Truth in Ethics

Moral Skeptics

Belief that no objective ethical truth is possible

“The only absolute truth is that there is no absolute truth”

Worldviews

Comprehensive concept of life eg
philosophies of life such as
religion, Political theories such
Marxism or Feminism etc

Why Ethics when the Law is
there?

Why Ethics ..?

- The Law often changes
- The Law is often silent on certain unethical practices
- The Law might condone some unethical practices
- The Law itself might be unethical

HIV/AIDS and the Law

- Rights of children and youths regarding adoption
- Proscriptive Laws eg homosexuals, drug addicts

HIV/AIDS, the LAW and workplace

Bare backing and HIV disclosure

Partners who have problems
disclosing

Medical Ethics provide benchmark of decision-making and behaviour

It throws light on every day practices:
Respect for patients as humans,
Best Interest of the Patient,
Human Rights and/or major social
issues like abortion.

Historical Perspectives: Some Ethical Theories

- Ancient Greeks and Virtue Ethics
- Communitarian Ethics
- African Ethics/ “Übuntu”
- Divine Command Ethics
- Utilitarian Ethics
- Kantian Ethics/Consequence-Based Ethics
- Feminist Ethics
- Human Rights Ethics
- Casuistry
- Principles of Medical Ethics

Ancient Greek Ethics: Virtue Ethics

- Virtue meant “Excellence of a thing”
- Who is a GOOD Person/ PHYSICIAN?
- “Eudemonia”-Happiness,Fulfillment, Being all that you can be,Being your best
- Roles of Socrates, Plato, Aristotle etc

African Ethics/ “Ubuntu” Communitarian Ethics

- Community-based African Ethics
- “We are humans because of our common humanity”

Divine-Command Ethics

Christian moral values

Utilitarian Ethics: Utility/Action-based Ethics

- Roles of Stuart Mills and Bentham
- A Secular replacement of Christian Ethics
- Also called Outcome-based Ethics
- Right acts should produce the greatest amount of good for the greatest number of people.
- “How would my act affect others?”

Kantian Ethics

- Immanuel Kant
- Duty –based ethics/A sense of duty
 - “This is what I ought to do”
 - Why an act is done is more important than it’s results: whether good or bad

Feminist-Ethics

Feminine-based Ethics

Human-Rights Ethics

Rights-based Ethics

- Respect for Patients as Persons
 - Respect their Dignity
 - Recognise that some of their interest may be important as to constitute Human Right

Casuitry

Case-based Ethics

- Tatiana Todorova
 - Tuskegee Trials
 - Nuremberg Trial

Ethical Principles and Medical Ethics

- Autonomy
- Non-Maleficence
- Beneficence
- Justice

Autonomy: Independence

- Informed Consent
 - Confidentiality
 - Truth Telling
- Communication

Confidentiality

Confidentiality is an important principle in medical practice especially in maintaining the Doctor-Patient Relationship.

However, it is not an **ABSOLUTE PRINCIPLE.**

A Practitioner may divulge information regarding a patient only if this is done:

- In terms of a Statutory provision
- At the instruction of a court
- In the Public interest
- With express consent of the Patient
- With the written consent of a patient or guardian of a minor under the age of 12
- In the case of a deceased patient with written consent of the next of kin or the executor of the deceased's estate

Non-maleficence/Do no Harm

Act in the Best Interest of the
Patient

Primum Non Nocere

First Do No Harm

Beneficence/Do Good

Act in the Best Interest of the
Patient

Do Good: The Good must
outweigh the Harm!

Justice/Impartial, Fair and Just

- Rights -based justice
 - Legal justice
- Distributive Justice

Distributive Justice

To each according to his/her Need!

Making an Ethical Decision/Ethical Reasoning

- Determine if there is an Ethical Issue
- If there is then get all the available information
- Examine the Issues involved
- Take a decision
- Implement

Ethics Committee

The rationale for Ethics Committee!

Ethics Committee: Historical Background

- Nuremberg Trial 1948
- Other Military Crimes in Germany and Japan
- Tuskegee Trials in the US

Declaration of Geneva 1948

Adopted by WMA only 3 months before
the UN adopted the Universal Declaration
of Human Acts(1948)

This requires the Physician to “NOT USE
(HIS/HER) MEDICAL KNOWLEDGE
CONTRARY TO HUMANITY”

The Declaration also requires physicians not “permit considerations of...

- Age
- Disease
- Disability
- Creed
- Ethnic origin
- Gender
- Race
- Nationality
- Political affiliation etc to intervene between my duty and my patient

Declaration of Venice 1983

Declaration on Terminal Illness!
The WMA condemns as unethical
both Euthanasia and Physician –
assisted suicide

Declarations of Hamburg 1997

- Declaration of Hamburg :
Concerning support doctors
refusing to participate or condone
torture

Declaration of Helsinki 2003

Resolution on the Responsibility of
Physicians in the denunciation of
Acts of Torture or Cruelty or
Inhuman or Degrading Treatment of
which they are Aware Torture or
Cruelty or Inhuman or Degrading
Treatment of which they are Aware

Health Professions Council of SA

Professional Code of Conduct

- Concerning Social responsibility
- Concerning doctor-patient relationship
- Concerning confidentiality
- Concerning Patients rights
- Concerning referrals
- Concerning CPD

HPCSA Ethical Rules

Rules specifying the Acts or Omissions in respect of which the HPCSA may take disciplinary steps

Acts or Omissions cont..

- Advertising
- Canvassing and touting
- Naming of Practices
- Information on stationery
- Supersession
- Professional reputation of colleagues
- Certificates and reports
- Professional acts
- Sharing consulting rooms etc

Concluding Principle from WMA

The duty of the physician is to heal, where possible, to relieve suffering and to protect the best interest of their patients. There shall be exception to this principle even in the case of incurable disease

Conclusion

Do unto others what you would
want them do unto you!

The Hippocratic/Physician's Oath

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Thank You!

Thank You