

Clinical Ethics-Based Decision-Making Issue Workup:

The ethics-based decision process:

1. What question are we trying to answer?
2. What are the facts?
3. What are the relevant values?
4. In what order do we prioritize these values?
5. Consult appropriately to confirm and justify facts and values
6. What are the different possible answers to the question?
7. How well does each possible answer allow us to live to our values?
8. Make a decision and implement it.
9. Live with it & learn from it.

Michael's story...

Michael is a 40 year old man experiencing severe paranoia. He has kidney disease that requires him to be on regular hemodialysis.

The trouble is that his mental illness makes it extremely difficult for him to stay calm and seated for the necessary 4-hour dialysis treatment and he seems to the team to be traumatized by the treatment. Michael does not seem to understand the need for treatment. Often he hollers out throughout the treatment. Sometimes he attempts to pull his dialysis access lines out. Usually, he refuses to cooperate with staff.

The team has advised Michael and his representatives that this behavior is inappropriate but he carries on in the same manner? Michael's appointed legal representatives have indicated that dialysis should continue despite these concerns. They indicate dialysis is a life sustaining therapy and that Michael is not making a voluntary, informed decision to refuse the dialysis and without it he will die. As this is the only hemodialysis unit available in the area, they insist the centre provide this necessary treatment.

Some members of the team believe they are causing more harm than good to Michael and have suggested he should be sedated during the treatment. Other members of the team have perceived Michael to be threatening and verbally abusive. (These staff members have called the police on two occasions for fear of being harmed by Michael.) These individuals have suggested that if Michael's mental illness is not deemed severe enough for him to be admitted for psychiatric treatment, and because his presence on the unit is so disruptive to staff and other patients, he should be denied treatment unless and until he is able to comply with the treatment and the institution's expectations.

What should the team do?

Joan's story...

Joan, 60, requires three hemodialysis treatments a week. She has been followed by staff of the renal program for over three years. She is a kind, gentle, and generous patient. Whenever she comes for treatment, she brings the staff fresh baked cookies or some other treat. She is always grateful for the care she is provided and speaks highly of all of her caregivers.

Unfortunately, Joan frequently misses her dialysis appointments. When this first started happening, some staff members would spend hours trying to track her down to encourage her to come in for treatment. Then one day Joan explained that her religious congregation has been praying diligently for her health and that her pastor has indicated her kidney disease will soon be gone. This was two years ago. Since then Joan has run into health trouble twice and both times sought care through the emergency department. But she continues to attend dialysis only sporadically.

One challenge for the team is that they never know which appointments Joan will keep and which she will miss. Some staff members are uncomfortable that the team is willing to give Joan extra chances that are not being given to other individuals.

How should the team respond?

Worksheet 1: IDENTIFYING THE KEY QUESTION

What question do we all agree we are trying to get an answer to?

Explanation	Tips
<ul style="list-style-type: none"> • The question we ask will determine the type and scope of answer we get. • The goal is to ensure that the group is working on the same problem and asking the right question to help solve that problem. • Issues are often complex and this step involves clarifying exactly what work is being done by the decision. • There will be many questions that present themselves; the challenge is to come to agreement on which of the many questions should be addressed using this process. 	<ul style="list-style-type: none"> • Design your question so that it allows for a variety of possible answers, not just yes or no. • Questions that begin with “What” or “How” work well. • Only include descriptors about which there is explicitly shared agreement in your question (e.g. “What should our human resource policy be during a pandemic?” instead of “should we force staff to come to work during a pandemic?”). • Pose your question in neutral terms (e.g. “how should the region allocate resources”, as opposed to “how can the region avoid wasting resources on the elderly?”) • Focus on the broad question which, if answered well, will likely include more specific ones and will provide meaningful direction for moving forward (e.g. “what are the goals of care for Mrs. C?” instead of “What does Mrs. C want?”).

Questions that need to be addressed...
The Key Question, that if answered will provide the team appropriate direction for how to move forward...
?

Worksheet 2: SUMMARIZING THE FACTS

The following are facts we assume to be true. It is important to ensure that we have a shared understanding of this list and that these assumptions are well justified. The extent to which they are, will in part determine how ethically justified our answer is.

Explanation	Tips
<ul style="list-style-type: none"> • Many beliefs make up any context. The idea here is to ensure everyone is working with the same understanding of the context. The goal is to ensure a shared understanding of the situation, including areas that may be unsettled or controversial, against which the decision is being made. • Beliefs that are contentious or unclear should be made explicit. • Points of agreement and tension should be named. • A fact is a belief that is true. The more evidence that we have for a belief, the more likely it is a fact. • The quality of a belief will depend on the evidence we have to support it. • For the beliefs that are listed, explore what reasons people have for their beliefs. 	<ul style="list-style-type: none"> • Work hard to ensure that what gets listed here are beliefs (things that are true or false) about the world and not values (what is important to us). • Beliefs usually involve declarative sentences with some form of the verb to be. • Remember that the goal is simply to ensure that the team making the decision is on the same page, looking at the same picture. • List only those beliefs about which it is important that everyone agree, including things that may be contentious and relevant (e.g. “All possible sources for ventilators have been consulted and all available resources are in the region’s possession” and “The pandemic will come in multiple phases”; not necessarily “We have a publicly funded health care system”).

What we know for sure:	Evidence to support this
<ul style="list-style-type: none"> • About the patient’s <u>medical condition</u>, treatment options, etc. • About the patient’s <u>identity</u>, what her values and beliefs are, what a meaningful life looks like for her, the significance of her illness for her • About the patient’s <u>loved ones and support people</u> • About the <u>other care providers</u>, who’s involved and what their perspectives are • About the <u>system</u>, who else is affected 	
<ul style="list-style-type: none"> • • • • • • • • • • • • • • 	<ul style="list-style-type: none"> • • • • • • • • • • • • • •

Worksheet 4: EVALUATING POSSIBLE OPTIONS

Possible responses to the question include...

Explanation	Tips
<ul style="list-style-type: none"> • At this stage different alternatives for answering the question should be entertained. • This step is aimed at creating the room for creatively exploring what kinds of things, conventional or not, might meet the criteria indicated and answer the key question. • Options should just be listed and not judged. Just because an option is named at this stage does not mean that it will be followed up. 	<ul style="list-style-type: none"> • Have the discussion leader explain the brainstorming exercise. • Invite members to provide possible ways of answering the question. • If anyone challenges an option or offers critical feedback, acknowledge the challenge but don't engage it; ask that this evaluation be held until the next step.
<ul style="list-style-type: none"> • This step requires looking at the possible solutions to see which ones best live up to the considerations that are seen as most important. • This should be done systematically, checking each of the reasonable/viable options against each of the most important criteria. 	<ul style="list-style-type: none"> • Put the list of prioritized values next to the list of possible options (flipcharts are helpful for this). • Then pick an option and go through each of the prioritized values asking, "How well does this option live up to this value?"

<p>→ Possible ways of answering the question identified above include:</p>					
<p>↓ How well does this allow us to:</p>					
1.					
2.					
3.					
4.					
5.					
6.					
7.					

Worksheet 5: ARTICULATING THE RESPONSE – A Preliminary Decision

The recommendations/ decision:	
This recommendation is based on the following values (listed in priority order)...	
Values not supported by this recommendation include...	
We believe this recommendation, and the balancing of values therein, is justified because...	