Exploring Ethics

What Makes an Effective Ethical Consultation?

Ethics consultations can be controversial. Consultants can sometimes be perceived as unhelpful by the very staff, patients and families they hope will benefit from these services. Several important processes can increase usefulness and satisfaction for everyone involved in ethical consultations.

How can you get the most from your request for a healthcare ethics consultation? According to the American Society of Bioethics and Humanities (ASBH), consultations should identify and analyze the nature of the value of uncertainty or conflict that underlies the consultation, and facilitate resolution of these issues in a respectful atmosphere with attention to the interest, rights and responsibilities of all those involved.

Understanding Expertise
Having a consultant that possesses the requisite skills and knowledge is essential to the outcome. Today’s consultants are usually formally trained in bioethics and have at least some expertise, if not formal training, in consultations. The two are not necessarily the same. The ASBH recently published Care Competencies for Health Care Ethics Consultation to spell out the qualifications of knowledge and skills for the consultant and the process.

An ethics consultant must first clearly understand the questions being asked: What is the clinical situation? Who is requesting the consultation? What is that individual’s role in the situation? Who are the parties involved in the case? Once these basic questions are answered, the consultant must investigate the patient’s medical indications, contextual features, preferences, and quality of life. An understanding of any conflicts or uncertainties and awareness of realistic goals are necessary for resolution. Collecting information and interacting with all parties is crucial, as is listening to the anguish of caregivers, administrators, patients and families. In addition to pertinent ethical and legal issues, the consultant should investigate relevant hospital policies related to matters such as confidentiality, designation of a surrogate or proxy, decision-making capacity, informed consent, end-of-life issues, and best-interest standards.

Choosing an Effective Approach
Approaches to ethical consultations range along a spectrum. At one end is the authoritarian approach, where the ethics consultant is the primary moral decision maker and his or her ethical and moral beliefs are of primary importance. The consultant’s pronouncement is grounded on ethical and personal opinion, but this could lead to a perception that the only ethics of any consequence are those of the consultant. At the other end of the spectrum is the pure consensus approach. The goal is agreement among the patient, family and healthcare team, but all parties may not be satisfied with the outcomes. In the middle of the spectrum is the ethics facilitation approach, which attempts to clarify issues, foster communication, and blend all values and viewpoints. In the end, the participants must build a plan that has foundations rooted in ethical actions. Although a more complex process than the other approaches, the ethics facilitation approach is recommended, as it is the most likely to lead to realistic expectations of medical providers, patients, families and surrogate decision makers.

Meetings and Mediation
Communication gaps are the most common problem encountered during the ethical consultation process. Indeed, one large multicenter study found that approximately 80% of ethics consultations focus on communication issues rather than on questions of ethics per se. The actual issues can be fleshed out only after investigation and clarification from all involved. If a variety of acceptable options exist, the consultant should be able to provide support for each ethical rationale, and why it might be applicable in this particular situation.

When a face-to-face formal meeting is called as part of the ethics consultation, the consultant needs time to communicate properly with all parties. All attendees must have a clear understanding of their roles and the processes. An essential component of formal meetings is allotting time for all attendees to speak and interact on a level playing field. This is especially important so the physician does not overwhelm those without medical backgrounds.

Meeting with healthcare team members separately from the patient and family may also be necessary to understand all considerations (i.e., if the consultant finds a differing opinion between members of the healthcare team). It is usually up to the ethics consultant to determine what needs to be done in this situation.

Contact ThompsDR@mail.amc.edu to submit questions to the Exploring Ethics column.

Effective mediation aimed at ethical resolution is helpful, and it is important to remember that those in the critical care field are not always perceived as neutral parties by patients and families.
There are limits as to what is realistically possible during an ethics consultation, but actions can be taken that will improve the overall effectiveness of the process. Knowing these limitations will maximize the usefulness of the consultation.

References and disclosures are available at www.sccm.org/criticalconnections.

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