



## THE LESSER OF TWO EVILS


Ethical Challenges for Clinicians  
and How to Create an Ethical Environment

Lynn Brouwers, MS, CRC, CBIST




### TOP 3 ETHICAL AREAS OF CONCERN

- Pressures resulting from health care reimbursement
- Conflicts among patients, physicians, team members, or families around goal setting
- Difficulty assessing decision making capacity




### MORAL DISTRESS

- Phenomena that occurs when nurses/health care providers cannot carry out what they believe to be ethically appropriate actions
  - Lack of resources
  - Inability to provide necessary treatments
  - Prolonged aggressive treatments that the professional believes is unlikely to have a positive outcome
  - Giving up too soon



### MORAL DISTRESS DISSIPATES WHEN THE PROVOCATIVE SITUATION HAS RESOLVED

- But residual feelings, called moral residue, can have a negative impact on the employee's sense of well-being
  - Especially when there is no avenue to engage in an ethical discussion



### ETHICAL DECISION-MAKING STRATEGIES

The Front Page Test



**NEWSPAPER**  
The Front Page Test • Volume 1, Number 2 • SPECIAL EDITION  
**BEFORE YOU MAKE A DECISION  
PICTURE IT SHOWING UP ON THE FRONT PAGE**  
Donec tempus justo ut  
mollis ex agetas. Praesent  
... .. aliquet

### ETHICAL DECISION-MAKING STRATEGIES

The Golden Rule




Treat other people  
as we would wish  
others to treat us



## FOLLOW CORPORATE RESPONSIBILITY STANDARDS (CARF)

- Ethical code of conduct
- *No Reprisal* approach to reporting
- Corporate compliance standards
  - Designation of a corporate compliance officer
  - Exclusion of certain providers
  - Training of all personnel
  - Auditing



## FOLLOW FEDERAL LAWS AND REGULATIONS SUCH AS...

- The Stark Law
- Anti-Kickback Statute
- Beneficiary Inducement
- False Claims Act
- Laws and regulations that address fraud, waste, and abuse
- HIPAA



## SAFEGUARD CLIENT RIGHTS

- Bill of Rights
- Self-determination
- Measure satisfaction
- Grievance policies
- Regular staff training



## ASSURE STRONG PROGRAMMING RELATED TO MANAGING AGITATED OR RISK BEHAVIORS

- Strong clinical leadership
- Effective communication strategies
- Staff training



## CREATE STRUCTURE TO PROMPTLY REVIEW ETHICAL CONCERNS

- Ethics (*Hot Case*) Committee
- Ethics Consultation
- Utilization Review Committee
- Health Care Law consultation



THANK YOU!