

ETHICAL DECISION MAKING

Burkhardt - Chapter 6 - *Ethical Decision Making*

ETHICAL DILEMMAS

Ethical dilemma - conflicting moral claims

- Circumstances promoting dilemma
 - Problem which seems to have no satisfactory solution
 - Problem where all solutions seem equally favorable
- Evidence suggests that certain act is both morally right and wrong
- Can make arguments either way
- No evidence is conclusive
- Example: terminally ill patient
 - Morally right to preserve life
 - Morally wrong to prolong suffering

Two or more moral norms exist to support one course of action where two actions are mutually exclusive

Examples in health care: Who gets critical care bed?

Most deserving? Person who arrives first? Person who can pay? Person with best chance of survival?

Conflict between autonomy and non-maleficence

Example: patient's right to know vs suffering a patient experiences in hearing bad news

Conflicting moral claims between obligations, principles, duties, rights, loyalties etc.

Example: nurse manager duty to institution re staffing patterns vs needs of individual patients and nurses

Example: confidentiality (promiscuous patient with AIDS) vs loyalty to society (warn those at risk)

Practical dilemmas

Must distinguish between practical and moral dilemma

Occurs where moral concepts compete with non-moral claims (claims of self-interest)

Example: need to work overtime for gravely ill patient vs promise to take children to circus

Interpretation: duty to children is not of equal moral weight (grounded in self-interest) to duty to patient

Moral claims (duty to care for patient) have greater claim than non-moral claims (duty to take children to circus)

Moral distress

Moral problems which have clear solution but institutional or other constraints prevent action

- No conflicting moral claims; right action is clear
- Institutional or other forces makes it impossible to pursue correct action

Example: frenzied pace of same-day surgery require asking patients to sign consents after they have received sedation

Comment: nurse knows practice violates patient's right to informed consent, he/she has no input into hospital making policies which enable such practices - promotes feelings of powerlessness. Resistance can even result in loss of employment.

Moral distress represents practical not ethical dilemma

Moral distress may undermine integrity

- Overtime erode confidence and self-esteem.
- Choices may be continued unethical activity, resignation, risking termination

No assurance that insisting morally correct action will meet with legal or employer support

Generally moral claims should hold higher weight than practical claims

MAKING DECISIONS

Pattern for ethical decisions is similar to any decision-making pattern

- Gathering data, comparing options, criteria to weigh merit of options, making choice
- Evaluating outcomes

Nursing Process and Ethical decision making

- Utilizes both logical thinking and intuitive knowing
- Deliberate activity providing systematic methodology for nursing practice
- Interactive and sequential steps
 - Subjective-Objective data to ID problem
 - Develop plan of care guided by desired outcomes
 - Implementation of intervention
 - Evaluation

Example of "nursing jargon" common in nursing texts

"Criteria used in making nursing care decisions derive from areas such as knowledge of normal anatomy and physiology, psychology, pathophysiology, therapeutic communication, family dynamics, pharmacology, microbiology, nursing care and protocols, experience related to what has worked in similar situations, and intuitive knowing" (Burkhardt p. 67)

Scientific Process and Ethical Decision Making

Decision making process similar to process encountered in science

Explanation in science corresponds to moral justification in ethics

Both involve the process of giving good reasons for the outcome

Science: observation → hypothesis → law → theory

Moral justification of ethics: assessed dilemma → rule → principle → theory

Strong knowledge base important to ethical decisions

Societal rules, ethical principles, theories, professional codes and standards

Corresponds to physical, psychological, social, human science used in nursing

ETHICAL DECISION MAKING

1. Defining problem
2. Identifying objectives to be achieved
3. Listing objectives for meeting objectives
4. Evaluating each objective
5. Choosing the best alternative

Cultural differences often become important issue

- Identify problem - determining issue
- Identifying value systems

Example: Parents wish to remove life support where no hope of recovery (end suffering) versus physician's view that removal constitutes murder

Comment : Each party would identify child's welfare as the ultimate objective, list of potential options would differ for each party - must identify principles and theories guiding each party

Emotions and Ethical Decisions

- Some identify a cognitive process wherein emotions are subordinated to reason
- Holistic view accounts for both thinking and feeling as legitimate avenues for knowing
- Not only thought but also feelings should guide what is perceived as right or wrong
 - If one feeling uncomfortable even in the face of reasoning then should re-evaluate
 - Goal to have both head and heart in harmony re decisions

Examples - Consider emotional reactions to the following emotionally-charged situations

Coworker makes racial slurs and advocates against need to provide medical care to a group of people deemed "stupid and a drain on health care system."

Discovering that one's employer, a gynecologist in private practice, asks all his young patients about their sexual fantasies

Two-year-old child dies from injuries inflicted by other's boyfriend one week after child returned to mother's home. Child was previously removed to foster care due to neglect.

PROCESS OF ETHICAL DECISION MAKING

Gather data and identify conflicting moral claims

Elements creating the dilemma; presence of conflicting obligations, duties, principles, rights loyalties, values or beliefs; identification of issues, important facts, emotions and gaps in information

Identify key participants

Identify legitimate powers to decision, who is affected and how; level of competence of person most effected in relation to decision.

Determine moral perspectives and phase of moral development of key participants

Do participants think in terms of duties or rights? Similar or different moral perspectives? Common ground - different ground? Principles important to participants; emotions of parties involved; level of moral development of participants

Determine desired outcomes

How does each party describe circumstances? Consequences of desired outcomes? Any outcomes unacceptable to one or all involved?

Identify options

Options; effect of alternatives on lifestyle and values of persons involved; legal considerations of the options, unacceptable alternatives per some participants, weighing, ranking and prioritizing of alternatives

Act on the choice

Empowerment to make difficult decisions; permitting self to discard less acceptable options; attending to emotions involved in process.

Evaluate outcomes of action

Has ethical dilemma been resolved? Emergence of other dilemmas related to action; effect of process on those involved; need for further actions.