



# Framework for Ethical Decision-Making

## Medical Indications

- What is the patient's medical problem? History? Diagnosis? Prognosis?
- Is the problem acute? Chronic? Critical? Emergent? Reversible?
- What are the goals of treatment?
- What are the probabilities of success?
- What are plans in case of therapeutic failure?
- In sum, how can this patient be benefited by medical and nursing care, and how can harm be avoided?

## Patient Preferences

- Is the patient mentally capable and legally competent? Is there evidence of incapacity?
- If competent, what is the patient stating about preferences for treatment?
- Has the patient been informed of benefits and risks, understood this information and given consent?
- If incapacitated, who is the appropriate surrogate? Is the surrogate using appropriate standards for decision-making?
- Has the patient expressed prior preferences, e.g., advance directives?
- Is the patient unwilling or unable to cooperate with medical treatment? If so, why?
- In sum, is the patient's right to choose being respected to the extent possible in ethics and law?

Collect information and identify the problem/issue

## Clarify and Evaluate

### Ethical Principles

- ✓ promote freedom of choice
  - ✓ do no harm
- ✓ do or promote good
  - ✓ be truthful
- ✓ primary loyalty to the patient

### Values:

- ✓ Individual
- ✓ Agency

### Social/Cultural Expectations

### Legal Requirements

### Professional Codes of Ethics

## Quality of Life

- What are the prospects, with or without treatment, for a return to normal life?
- What physical, mental and social deficits is the patient likely to experience if treatment succeeds?
- Are there biases that might prejudice the provider's evaluation of the patient's quality of life?
- Is the patient's present or future condition such that his or her continued life might be judged undesirable?
- Is there any plan and rationale to forgo treatment?
- Are there plans for comfort and palliative care?

## Contextual Features

- Are there family issues that might influence treatment decisions?
- Are there provider (physicians and nurses) issues that might influence treatment decisions?
- Are there financial and economic factors?
- Are there religious or cultural factors?
- Are there limits on confidentiality?
- Are there problems of allocation of resources?
- How does the law affect treatment decision?
- Is clinical research or teaching involved?
- Is there any conflict of interest on the part of the providers or the institution?

## Action and Review

- ➔ Range of Actions available and possible consequences
  - ➔ Pick one, implement and evaluate

# **NOR-MAN Regional Health Authority**

## **Framework For Ethical Decision-Making**

The NOR-MAN Regional Health Authority Framework for Ethical Decision-Making is a three step process which facilitates a systematic and thorough examination of a situation. It encourages the incorporation of new or additional information as it is introduced to the review. This activity is reflected in the circular nature of the framework.

The four boxes surrounding the framework contain questions that will assist in constructing a summary of the facts that must be considered when carrying out an ethical analysis. They are intended to facilitate understanding of the ethical complexities around decision-making in primarily clinical situations.

### **Step 1: Collect Information and Identify the Problem / Issue**

- Determine the facts of the situation.
- Identify the ethical components.
- Identify the people involved, and those who need to be involved.
- State the problem / issue / dilemma as clearly as possible.

### **Step 2: Clarify and Evaluate**

- Seek to clarify the issue / dilemma by considering the ethical principles which impact the issue. This can serve to clarify the fundamental nature of the dilemma.
- The series of questions under the four headings surrounding the framework are useful to determine the facts of the situation, particularly in a clinical situation.
- Professional codes of ethics of the care providers directly involved in the issue must be considered and value conflicts identified.
- Social and cultural expectations must be explored and identified.
- Legal requirements are considered to determine compliance with existing laws and policies.
- The values and beliefs of those involved as well as the values of the NOR-MAN Regional Health Authority are identified and considered. Actual or potential value conflicts are identified.
- Throughout this step, previous information is considered in light of new data.

### **Step 3: Action and Review**

- A range of possible actions is identified and possible consequences/outcomes of these actions is analyzed.
- Clearly outline the responsibilities of participants.
- A decision is made and action taken.
- The outcomes of the decision are evaluated and amendments made as appropriate.

**References:**

1. Jonson, A.R., Siegler, M. and Winsdale, W. (2002) *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine* (5<sup>th</sup> edition) New York: McGraw Hill.
2. Baumgart, J. and Larsen, J. (1992) *Canadian Nursing Faces the Future: Model for Ethical Decision-Making*. Elsevier.
3. Canadian Nurses Association (2004) *Everyday Ethics: Putting the Code into Practice*. Author.

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