

Trust in the System

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Fiduciary Duty

Latin: fiducia (fidelity, faithfulness, trust)

If A has a fiduciary duty to B, then A is obliged, in all dealings that affect B, to act solely in B's interests.

Two ways to fail in a fiduciary duty:

- * To act in a way contrary to the principal's interests
- * To act in a way only contingently in the principal's interests

A fiduciary duty isn't only a matter of **outcomes** but also **motivations**: fiduciaries must aim to be sensitive in their decision making only to the interests of the principal

Principles of Healthcare Ethics

Beauchamp and Childress' Four Principles¹:

Respect for Patient Autonomy

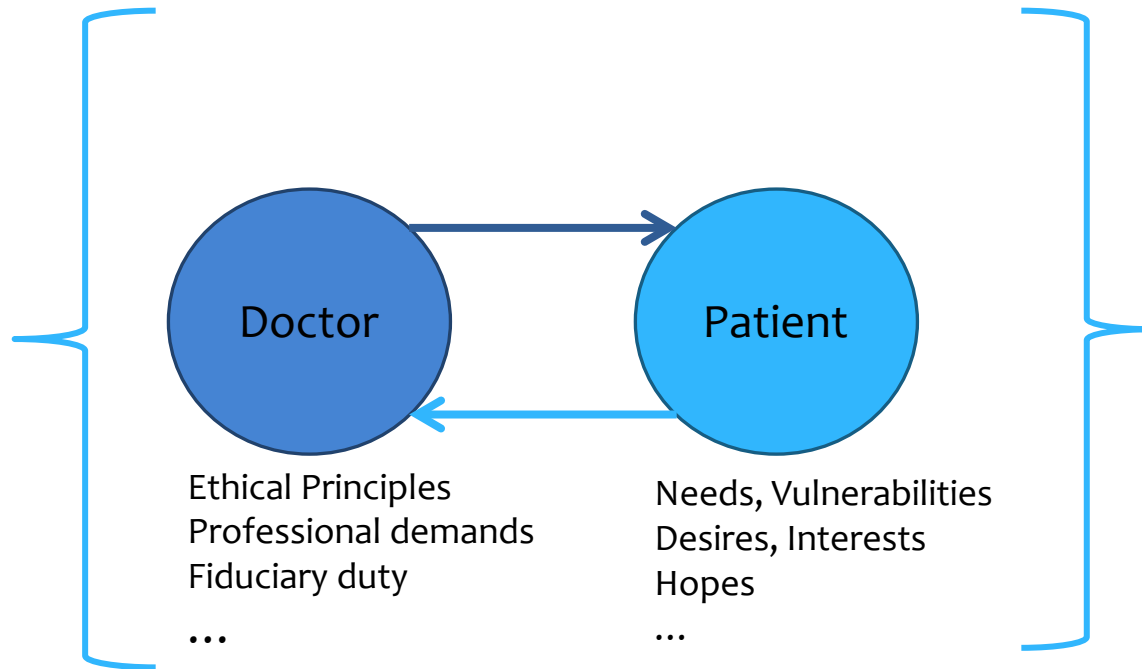
Beneficence

Non-maleficence

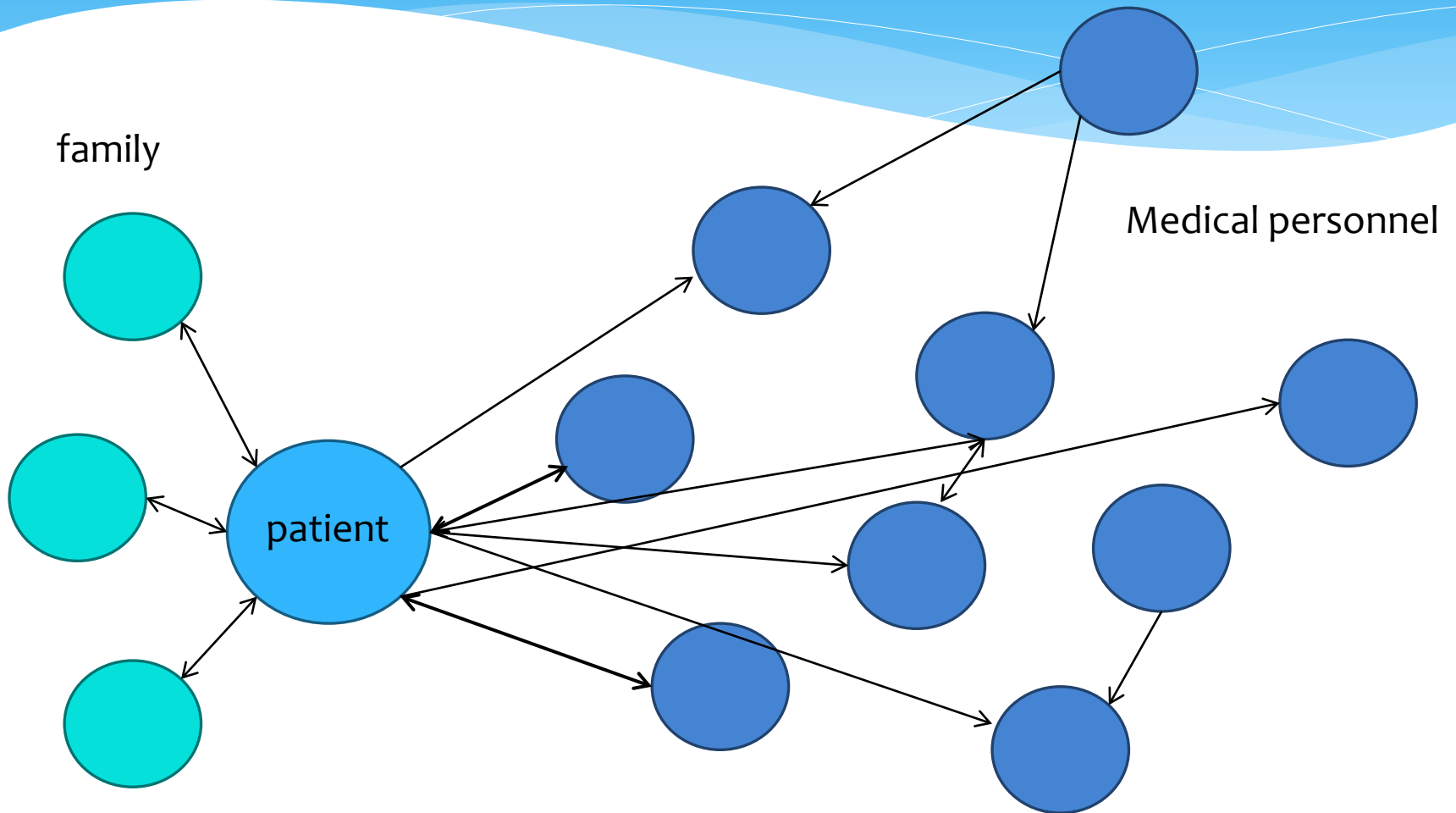
Justice

¹ Cf. Beauchamp and Childress, Principles of Biomedical Ethics, OUP 2013

Broader Context



Pathways to Health



Responsiveness to Need

Given the complexity of the relationships between healthcare professionals, we need to ensure that the system is set up in a way that ensures that it is **optimally responsive to the demands of patient need**.

Is the best way to ensure this through importing a fiduciary duty everywhere we have a patient-professional relationship?

So long as we have clearly defined professional roles and standards, I think not.

Health and Justice I

Provision of healthcare is a matter of justice, on even a minimal conception of justice:

A just society is one that ensures that each individual has equal opportunity to leverage their innate talents.

1. Ill health undermines our ability to leverage our talents
2. Ill health is (in general) not under our control
3. Therefore, in order to ensure equality of justice, we need to ensure equality of health

Gaming the System

Physician's duty is to ensure that their patient gets the best treatment possible, by advocating (to the best of their ability) for the patient's interests at that patient passes through the system?

Game the system (without overstepping legal or professional bounds) to promote the best possible outcome for the patient?

Health and Justice II

WHO definition of health:

A complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity.

Healthcare is an unlimited but finite good – the demands of health are always going to outstrip our capacity for provision.

Always competition for healthcare resources. If A receives treatment x, then B doesn't receive it, or receives it later.

Conclusion

The physician must respect the broader goal of medicine: **to meet the needs of all patients, to the greatest extent, in the most equitable way possible.**

A doctor's patient is only one patient amongst many, each with an equal claim to treatment.

Rather than being under a duty to advocate for their patient, doctors ought to see themselves under a duty to ensure that their patient is **fairly treated** as they progress through their healthcare pathway.