

Teaching and learning using difficult clinical cases: An ethics 'toolbox' for clinicians and educators

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Thinking through ethical issues in practice

- Moving attention from identifying ethical issues that arise in clinical practice to making ethical decisions
- The casebook has a central focus on helping practitioners to acquire the skills necessary for this task: the teaching and learning guide and the 'toolbox' for ethical reasoning

Different ways to learn

- This 'toolbox' for ethical analysis is tailored to the needs of continuing professional development in ethics (not medical student ethics education)
- A flexible design to meet junior doctors and health professionals' busy schedules
- Navigation focuses on addressing real issues faced in practice using the various website materials

Different places to learn

- A structured approach to learning that can be adopted regardless of setting
 - Informal discussions with colleagues over coffee following a ward round
 - Visiting the website in practitioners' own time outside of the workplace
 - Responsibility for running formal teaching sessions for peers

A structured approach to learning

- **The ‘difficult case approach’**
 - Focus on one case – from the casebook or practice – that practitioners find difficult
 - Identify the specific ethical question to address
 - Use structured methods to develop arguments that can guide your learners in deciding what they ought to do
 - Compare and contrast your arguments with those developed in the commentaries on the website
 - Consider any contextual factors that are relevant
- We will adopt this approach in our group activities after lunch

A structured approach to learning

- **The ‘difficult issue approach’**

- Focus on one issue that is a common feature of ethically difficult situations that your learners face, e.g.
 - Using restraint
 - Value conflicts within a family
 - Truth-telling
- Choose (and, if necessary, modify) cases illustrating the issue
- Identify the specific ethical question you want to address
- Use structured methods to develop arguments that can guide how you ought to act in these cases
- Compare and contrast your arguments with those developed in the commentaries on the website.
- Consider any relevant contextual factors, and determine whether your arguments apply to all situations where this issue arises

An issue for discussion

Truth-telling and deception

- An issue arising across different health care settings
- A feature of three of the cases presented

Lina



Lina is a 14 year old girl with recurrent childhood leukaemia. Lina's mother, Mrs Tan, has asked Dr Rosario to withhold information about Lina's worsening condition from her daughter. Lina has asked Dr Rosario for the truth about her prognosis.

An issue for discussion



Mdm Wu

Mdm Wu is a 74 year old woman who has refused a hip replacement after breaking her hip in a fall at her home. Mdm Wu has asked her son, Robert, to make the right decisions for her about her care. Robert has asked Dr Sen to consult directly with him and not to discuss his mother's care with her.

An issue for discussion



Ms Khoo

Annie Khoo is a 22 year old woman with a history of drug addiction who has completed a programme of drug rehabilitation and is working in a halfway house. Bertha, Annie's mother, phones Dr Jeya, Annie's GP, to ask him to test her daughter for heroin at their next appointment without telling her. Bertha says that she thinks Annie is using drugs again and is concerned about the welfare of Annie and Annie's daughter.

An issue for discussion

- The issue of truth-telling and deception arises across different care settings
- Clinical experience is critical here and should determine how you explore this issue using the casebook materials

What other situations can you identify where issues around truth-telling and the use of deception arise in clinical practice locally?

Starting your analysis
of this issue

Identifying the ethical question

- Ethical questions concern what we should do when there are good reasons for following different courses of action
 - when no single decision is clearly ‘right’

“What should I do here?” is an ethical question

- **Note** – this question is not the same as:
 - What am I legally permitted to do?
 - What do policies or regulations require of me?
 - What do most people think I should do?
 - What does the clinical evidence suggest?
 - What is the way we are accustomed to act here?

Identifying the ethical question



How should Dr Rosario respond to the requests made by Mrs Tan and Lina?

Should Dr Sen inform Mdm Wu about how her care needs are likely to develop over time?



Should Dr Jeya covertly test Ms Khoo for drug use?

The ABC Toolbox for ethical thinking:

A systematic approach to
working through difficult ethical
decisions in practice

Tool A: Analysing facts and values

- The first tool requires us to get clear about the different facts and values that are relevant in the case
- Start with the facts...



What do we need to know about Lina's situation that is relevant to the decision that Dr Rosario must make?

Tool A: Analysing facts and values

- What might be the relevant facts that Dr Rosario needs to get clear about?
 - Mrs Tan has requested information about Lina's worsening condition be withheld from her daughter
 - Mrs Tan thinking this will be best for Lina
 - Lina has requested to know the truth about her condition
 - Lina can understand this information and will find it distressing

Tool A: Analysing facts and values

- Now let's turn our attention to values...
- What values apply in the decision that Dr Rosario has to make?
 - Deceiving Lina is wrong
 - Not causing distress to Lina is good
 - Mrs Tan's right to make decisions about Lina's life is important

Why is this tool important?

1. It can reveal whether the difficult decision you are facing is an *ethical* decision or not
 - Ethical decisions are characterised by conflict between values
 - Often difficulties will arise because people are uncertain about how to do the right thing (not what the right decision is)
2. Both facts *and* values will be important in working out what decision should be made

Tool B: Balancing intuitions and principles

- Once the facts and values are clear, we can focus our attention on the decision itself
- A good starting point is to ascertain your intuitions – your gut feelings – when faced with the ethical questions we have identified?

Our ethical questions



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Tool B: Balancing intuitions and principles

- Whilst intuitions are a good starting point, they must not be the end point for our discussions
- Moving from intuitions to principles and back again...
 - Identify the relevant principles, and use these to challenge your intuitions
 - Be prepared to modify how these principles are interpreted on the basis of your intuitions

Tool B: Balancing intuitions and principles

4 influential ethical principles for health care practice

1. Respect for persons (autonomy)
2. Benefitting patients (beneficence)
3. Not harming patients (non-maleficence)
4. Treating persons fairly (justice)

Tool B: Balancing intuitions and principles

Principle 1: Respect for persons (autonomy)

- How should this principle be interpreted in this context (paediatric care in Hong Kong)?
- What action most respects Lina's autonomy?
 - Is Lina able to understand this information?
 - Does Lina have the maturity to make sense of the implications of this information for her future?
- Aside from her autonomy, are there other considerations about respecting Lina as a person that apply here?
 - Does respecting Lina's dignity or the value of trust require sharing the information, irrespective of her level of understanding?

Tool B: Balancing intuitions and principles

Principles 2 and 3: Beneficence and Non-maleficence

- How do burdens and benefits arise in disclosures like this?
- Will Lina's well-being be enhanced by being told the truth about her condition, or by withholding this information?
 - What are the benefits to Lina from being told about her prognosis?
- Will Lina be burdened by being told the truth, or by withholding this information?
 - How distressed will Lina become if she is told her prognosis?

Tool B: Balancing intuitions and principles

Principle 4: Justice

- Are there any considerations of fairness to take into account?
 - Do either of the two options impact unfairly on the care of other patients?
 - Would the decision to go against Mrs Tan's wishes not to tell Lina involve treating Mrs Tan unfairly?
 - How should fairness be interpreted in the context of family caregiving relationships within paediatrics in Hong Kong?

Tool B: Balancing principles and intuitions

Balancing principles

- How should conflict between principles be dealt with?
 - Give reasons why one principle should be accorded more weight than other principles in this situation
- How can any 'moral damage' be managed?
 - If the decision is made not to disclose the information: can Lina's autonomy and dignity be respected in other ways?
 - If the decision is made to disclose the information: can any harm caused to Lina be minimised, and can Lina's parents be treated fairly in making this disclosure?
- Finally: re-visit your intuitions and those of your learners

Tool C: Comparing cases

- Can you think of similar situations where you have faced this kind of difficulty?
 - Did you decide differently in a similar situation?
 - Can you identify an ethical reason why this was so?
- If Lina's circumstances were different, would you act differently? If so, why?
 - If Lina was 6 years old, for example, or 20 years old?
 - If the information to be shared with Lina was less serious?
 - If Lina herself had requested not to know anything about her situation?

Concluding comments

- The three tools outlined in this presentation are a decision aid – they will not produce a single right answer
- Following this toolbox will help to ensure that the difficult decisions your learners need to make in their practice are carefully thought through and can be defended
- Making judgements in a simple, systematic, analytical way



Making Difficult Decisions with Patients and Families

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