Rules Are Rules

The opinions in this presentation are those of the presenter and are not intended to represent the position of the Department of Veterans Affairs or the U.S. government.

What an ethicist does on vacation

SUMMER LEADERSHIP SUMMIT 2017

EVOLUTION REVOLUTION
Today’s goals

• A brief review: where ethics began and some basic ethics frameworks
• Thirty years ago: what wasn’t going on
• Today’s new ethics: organizational ethics and consumerism
• What’s on the horizon for biomedical ethics
I did not see this coming...

BUSINESS ETHICS = HONESTY, INTEGRITY AND QUALITY
An ethics conflict...

• Two equally compelling choices

• Conflicts of interest are situational not based upon the state of mind of an individual.
A “good” ethicist...

• Should not choose for you... Or even make a strong suggestion.
• Should find what is at risk ethically?
• And for whom (the unheard voice)?
The Beginnings

• End of Life
• Beginning of Life
• Limited resources (who gets what)
• Technology affects all of the above
  o Ventilators (demand issue)
  o Solid Organs (supply issue)
  o Cost of Treatment (think drug costs)
How to sound like an ethicist:
mention Dancing with Wolves and Avatar in the same sentence. And then, “slippery slope”

**RULES**

Deontological: Kant

**OUTCOMES**

Utilitarianism: Mills

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EVOLUTION

REVOLUTION
Coined first by Potter in 1970 and again by Shriver, bioethics was described as “a new discipline that combines biological knowledge with a knowledge of human value systems”
Thirty Years Ago: what wasn’t

- **Next to Nothing** in the literature
  - And it was all on death and dying
- **No Quinlan** (intersection of technology and right to die and surrogacy)
- **Dax and right to refuse TX** (intersection of right to die and competency)
- Competency
- Surrogates
And then (in 1979)... Principlism!!

- Patient Autonomy
- Non Maleficence
- Beneficence
- Justice (so many versions!!)
Followed by: Communitarianism

RULES

Deontological: Kant

OUTCOMES

Utilitarianism: Mills
A mandatory discussion regarding paternalism

- Blood and blood products
- Implied consent
- DNR
- Artificial Nutrition and Hydration
Competency or Capacity?
Surrogacy is state by state

a) Health Care Agent
b) Legal guardian or special guardian
c) Next-of-kin
   • Relative
   • 18 years of age or older
   • In the following order of priority: spouse, child, parent, sibling, grandparent, grandchild
d) Close friend

*Please, please, please, if nothing else, get an advance directive*
Just a bit more on surrogacy

• Best Interests standard
• Substituted Judgement
• Implied Consent

• Without consent of some type treatment is assault!!! (Cordozo in 1914)
Confidentiality

- Not so big an issue thirty years ago
- Stigmatization of some treatments and diagnosis
- HIV, BH, reproductive health, public health (vaccines), testing, and Tazazoff (duty to warn)
- HIPPA
And now...

- Patient centeredness
- IRBs and research
  - Research on children
  - Therapeutic misconception
  - Clinical studies in developing nations
  - Social science exceptions to informed consent
The evolution of patient centeredness
Two early design themes: SepAration & Observation
The panopticon
Vienna’s Narrenturm 1784
A Panopticon design in Massachusetts
Still in use to separate and observe
Instead of a warehouse,
A Place to treat...

“the building to can assist in the cure”
– G.T. Hine, 1901
Kirkbride:
echelon style & a linear plan
Evidenced based design is sometimes imperfect
Occupancy can be misleading...

A locked BH unit may have been designed to look residential.

What to do?
Organizational Ethics:
a departure from individual blame

- No escort tug
- No bow thruster
- Single screw
- Single boiler
- Not double hull
- Poor handling at slow speed
Organizational ethics & mission

• A link between mission components and performance
• Framing and motivating the work of organizational members
• A knowledge structure that shapes how we think about the organization, how we connect our work to a shared sense of priorities
Ethical Consumerism

• Beyond green... **Corporate responsibility**

• “Our **business operations include everything** from how we move products to how our employees commute and how we operate our stores and facilities. Each of our **important stakeholders**—our members, employees, **vendor partners and nonprofit partners**—has expectations for how REI should prioritize its efforts in these areas. We prioritize by focusing on the things that matter most and have the greatest potential impact while **staying true to our values**.”

– from the REI website
Ethical Consumerism
Just over the biomedical ethics Horizon

- Genetics: who owns my genes
- The ethics of big data
- Patient specific medical devices
- Personalized medicine
- Boutique medicine
- Medical tourism
Drivers in Ethics

Past: Disparity

Present: Access

Future: Personalized

“Social” Solution

“Organizational” Solution

“Technological” Solution
“Coming together is a beginning. Keeping together is progress. Working together is success.”

- Henry Ford