

Course

Health Science

Unit III

Ethical and
Legal

**Essential
Question**

What are the
ethical, moral
and legal
standards
expected of
healthcare
workers in
today's society?

TEKS

130.204(c) 9C

**Prior Student
Learning**

Client Autonomy
Patient's Rights

Estimated time

5-7 days

Rationale

Healthcare workers must understand ethical and legal responsibilities, limitations, and the implications of each action taken, in order to comply with established standards.

Objectives

Upon completion of this lesson, the student will be able to:

- Define ethics, morals, and values;
- Identify the current medical ethical issues in health care;
- Summarize the pros and cons of these issues;
- Prepare examples using facts to illustrate issues;
- Analyze the pros and cons, and determine individual beliefs about these ethical issues; and
- Evaluate knowledge and understanding of ethical issues.

Engage

To engage students and begin the process of understanding and recognizing ethical issues in health care, presentation of a medical case with ethical dimensions should be completed. Examples may be found at several internet sites, such as www.swmed.edu/stars (example included). Cases should be presented to the class and followed by small group discussions to identify the ethical issue in question, and the student's personal views and beliefs.

Key Points

- I. Ethics –standards of conduct that indicate how one should behave based on moral duties and virtues, which themselves are derived from principles of right and wrong
 - A. Aspects of ethics
 1. the ability to discern right from wrong, good from evil, and propriety from impropriety
 2. involves the commitment to do what is right, good, and proper
 - B. Morals – beliefs, customs, and traditions that are reflected in personal convictions about right and wrong
 1. Moral duty –the obligation to act or refrain from acting, according to moral principles
 2. Moral virtue – characteristics or conduct worthy of praise or admiration because they advance moral principle
 - C. Values – core beliefs or desires that guide or motivate attitudes and actions
 1. Ethical values – directly relate to beliefs concerning what is right and proper

2. Non-ethical values
3. Conflicting values
4. Contradictory values
5. Personal moral values

II. Ethical Decisions

- A. The process of ethical decision-making
 1. Perceive and eliminate unethical options.
 2. Select the best ethical alternative.
 3. More than a belief in the importance of ethics is required – enough sensitivity to perceive the ethical implications of decisions; the ability to evaluate complex, ambiguous, and incomplete facts; and the skill to implement ethical decisions without unduly jeopardizing a career.
- B. Ethical Commitment – a strong desire to do the right thing
- C. Ethical Consciousness
- D. Ethical Competency
 1. Evaluation – the ability to collect and evaluate relevant facts, and to know when to stop and make prudent decisions based on incomplete and ambiguous information
 2. Creativity – the capacity to develop alternative means of accomplishing goals in ways which avoid or minimize ethical problems
 3. Prediction – the ability to foresee the potential consequences of conduct and assess the likelihood, or risk, that people will be helped or harmed by an act

III. Models of Ethical Decision-Making

- A. The Golden Rule – the most basic and useful ethical theory, sometimes called the “Rule of Reciprocity”
 1. Confucius (500 B.C.E.) – “What you do not want done to yourself, do not do to others.”
 2. Aristotle (325 B.C.E.) – “We should behave to others as we wish others to behave to us.”
 3. From the Mahabharata (200 B.C.E.) – “Do nothing to thy neighbor which thou wouldst not have him do to thee thereafter.”
 4. Jesus (30 C.E.) – “As ye would that men should do to you, do ye also to them likewise.”
- B. Kant’s Categorical Imperatives: Absolute Moral Duties Based on Principle
 1. No exceptions, no excuses – moral obligations are absolute and invariable, and do not allow for exceptions or extenuating circumstances.
 2. Derivative Rules
 - a) Rule of Universality – behave only in those ways you

feel appropriate for all people, at all times.

- b) Rule of Respect – All individuals are intrinsically important and the wellbeing of each is a moral end in itself; never treat others as simply the means for your own gain or gratification.

C. Consequentialism / Utilitarianism – based on the notion that the ethical merit of an act is best determined by the consequences produced

1. Principle of Utility – actions are right and good when they produce benefit, pleasure, or happiness, or prevent harm, pain, or unhappiness.
 - a) Act Utilitarianism – the ethical merit of an act is judged in terms of the immediate and direct consequences of the action.
 - b) Rule Utilitarianism – the ethical merit of an act is judged in terms of what the consequences of the action would be if such conduct became the general rule and everyone acted accordingly.
2. The Greatest Good For the Greatest Number
3. Problems with Consequentialism – the ease with which it can be manipulated by self-serving rationalizations to produce situational ethics and an end-justifies-the-means credo that elevates expediency over principle

D. The Josephson Institute Ethical Decision-Making Model

1. All decisions must take into account and reflect a concern for the interests and wellbeing of all stakeholders.
2. Ethical values and principles always take precedence over nonethical ones.
3. It is ethically proper to violate an ethical principle only when it is clearly necessary to advance another true ethical principle, which, according to the decision maker's conscience, will produce the greatest balance of good in the long run.

IV. Five Steps of Principled Reasoning

- A. Clarify – determine precisely what must be decided
- B. Evaluate – distinguish solid facts from beliefs, desires, theories, suppositions, unsupported conclusions, and opinions that might generate rationalizations.
- C. Decide – after evaluating the information available, make a judgment about what is or is not true, and about what consequences are most likely to occur.
- D. Implement – once a decision is made about what to do, develop a plan of how to implement the decision in a way that maximizes the benefits and minimizes the costs and risks.
- E. Monitor and Modify – monitor the effects of decisions and be prepared and willing to revise a plan, or take a different course of

action based on new information.

Activity

- I. Produce an Ethics Magazine. See Teacher and Student Guidelines.
- II. After the magazine is complete, make a brief presentation (no more than 5 minutes) of an ethical topic.
 - a. State the issue.
 - b. Offer the dilemma(s) surrounding the issue (present both sides of the issue).
 - c. After the 5-minute presentation, the class will briefly offer discussion and take a vote on how the class stands on the issue.
 - d. The group will state their decision regarding the topic.
- III. Read "Horton Hatches an Egg, by Dr. Seuss, or view the video. Discuss who should get custody of the baby bird: Horton or his biological mother.
- IV. Respond to Ethical Dilemmas posted on the STARS Website.
<http://www.swmed.edu/stars>
- V. Participate in a Biomedical Debate according to HOSA Biomedical Debate Guidelines.

Assessment

Magazine Article Rubric

Biomedical Debate Rating Sheet (www.HOSA.org)

Exam: Ethics in Action

Materials

Various recordings of TV/Movies with ethical themes

"Horton Hatches the Egg," book or video, by Dr. Seuss

Technical Journals

HOSA Biomedical Debate Guidelines

<http://josephsoninstitute.org/MED/medtoc.htm>

<http://www.swmed.edu/stars> (example included)

PowerPoint Presentation: Ethics in Action

Accommodations for Learning Differences

For reinforcement, the student will develop a brief description of the ethical dilemma using one of the topics in the Key Points Section.

For enrichment, the student will use a multimedia program to prepare and present a drama based on the highlights of the biomedical debate.

National and State Education Standards

National Health Science Cluster Standards

HLC02.01 Communications

Health care workers will know the various methods of giving and obtaining information. They will communicate effectively, both orally and in writing.

HLC04.01 Information Technology Applications

Health care workers will use information technology applications required within all career specialties. They will demonstrate use as appropriate to health care applications.

HLC08.01 Ethics and Legal Responsibilities

Health care workers will understand the legal responsibilities, limitations, and implications of their actions within the health care delivery setting.

HLC08.02 Ethics and Legal Responsibilities

Health care workers will understand accepted ethical practices with respect to cultural, social, and ethnic differences within the health care environment. They will perform quality health care delivery.

TEKS

130.204(c)(9)(C) investigate the legal and ethical ramifications of unacceptable behavior.

Texas College and Career Readiness Standards

Cross-Disciplinary Standards:

I.A.1 Engage in scholarly inquiry and dialogue

I.A.2 Accept constructive criticism and revise personal views when valid evidence warrants

I.B.1 Consider arguments and conclusions of self and others

I.B.2 Construct well-reasoned arguments to explain phenomena, validate conjectures, or support positions

I.B.3 Gather evidence to support arguments, findings, or lines of reasoning

II.A.4 Identify the key information and supporting details

Social Studies Standards:

I.E.4 Identify and evaluate the sources and consequences of social conflict

I.F.2 Analyze ethical issues in historical, cultural, and social contexts

II.B.4 Evaluate how major philosophical and intellectual concepts influence human behavior or identity

IV.A.3 Evaluate sources from multiple perspectives

IV.A.6 Read research data critically

IV.B.3 Gather, organize and display the results of data and research

IV.C.1 Understand/interpret presentations (e.g., speeches, lectures, less formal presentations) critically

V.A.1 Use appropriate oral communication techniques depending on the context or nature of the interaction

Science Standards:

I.D.1 Demonstrate literacy in computer use

III.C.1 Prepare and present scientific/technical information in appropriate formats for various audiences

III.D.1 Use search engines, databases, and other digital electronic tools effectively to locate information

III.D.2 Evaluate quality, accuracy, completeness, reliability and currency of information from any source

English/Language Arts Standards:

I.A.2 Generate ideas and gather information relevant to the topic and purpose, keeping careful records of outside sources

II.A.5 Analyze the presentation of information and the strength and quality of evidence used by the author, and judge the coherence and logic of the presentation and the credibility of an argument

III.A.2 Adjust presentation (delivery, vocabulary, length) to particular audiences and purposes

III.B.2 Participate actively and effectively in group discussions

III.B.3 Plan and deliver focused and coherent presentations that convey clear and distinct perspectives and demonstrate solid reasoning

V.A.2 Explore a research topic

V.B.3 Synthesize and organize information effectively

V.B.4 Use source material ethically

Class Notes: Ethics in Action

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 - 2. Involves the commitment to do what is right, good, and proper
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- D. Implement – once a decision is made about what to do, develop a plan of how to implement the decision in a way that maximizes the benefits and minimizes the costs and risks.
- E. Monitor and Modify – monitor the effects of decisions, and be prepared and willing to revise a plan or take a different course of action based on new information.

CASE FOR OCTOBER-DECEMBER 2008

Reprinted from www.swmed.edu/stars

Background Information:

Anorexia nervosa is a serious medical problem that can be fatal. A person with anorexia has an intense fear of gaining weight. Someone with anorexia thinks about food and limits the food he or she eats, even though he or she is too thin. They develop a distorted perception of the size or shape of their bodies. Anorexia is more than just being too thin. It is a way of using food or starving oneself to feel more in control of life, and to ease tension, anger, and anxiety. Persons with anorexia may use extreme measures to lose weight, including making themselves throw up, using diet pills, using laxatives, and taking excessive exercise. As anorexia progresses, it affects the brain, heart, muscles, joints, bones, kidneys, intestines, hormones, hair, and skin. Anorexia can hurt a baby if the mother is pregnant. Women who have anorexia while they are pregnant are more likely to lose the baby. If a woman with anorexia does not lose the baby, she is more likely to have the baby early, deliver by C-section, and suffer from depression after the baby is born. For more information, see <http://www.4woman.gov/>

Ethics Case:

Sheryl is a 24-year-old, pregnant, single, white female, who was referred by her obstetrician for evaluation. Prior to her pregnancy she met the criteria for binge eating disorder, but since pregnancy she is restricting and purging her meals, as well as abusing over-the-counter diet pills and laxatives. Even though she has lost weight during her pregnancy, she is upset that she is getting “fat” with it, and thus avoiding the intake of food. She weighs 169 pounds and stands 5’4”. At the onset of her pregnancy she weighed 199 pounds, and has lost 30 pounds in the first 28 weeks of her pregnancy. The patient’s boyfriend is excited about the pregnancy. However, he voices disdain for psychiatric care, and refuses to be involved with her treatment in any way. Her parents are excited about the pregnancy, but they are concerned about the health of the baby. They want her to come back and live with them so they can monitor her and make sure she is following her doctor’s orders. She is refusing a higher level of care and she is not even fully compliant with treatment at this level of care. For example, she follows only 80% of her meal plan, and takes diet pills and laxatives on the weekends.

This case raises a number of questions about a woman’s freedom of choice, complicated by carrying a baby who is at risk because of the woman’s anorexia nervosa and subsequent refusal to eat. How would you respond if you were her physician? Would you do nothing and leave it to her to decide what to do? Would you offer her outpatient treatment, including education and counseling? Would you suggest that she go into the hospital? Would you take steps to hospitalize her under a court order?

Is it ethical to discharge her for not following treatment recommendations?

Does this situation warrant involuntary treatment in a psychiatric hospital?

Teacher Guidelines

Medical Ethics Magazine Production

This lesson can be done in a format of class work, once per week for 1-2 months, or as a single unit over a couple of weeks. The final product will be in a magazine format. The magazine may also include reviews of TV shows, movies, books, and other articles.

Have the class decide on a title for the magazine. Have one of the artistic students design a cover for the magazine.

In advance of the class, the instructor should monitor and tape re-runs of ER or Grey's Anatomy and other shows that depict a medical ethical dilemma. Also a list of movies that deal with ethical issues can be provided, and the students can view them and write reviews. (Examples: "The Doctor", "Awakenings", "One Flew Over the Cuckoo's Nest", and "Lorenzo's Oil").

Explain to students that they're now going to assume the role of a small publishing company. They are developing a medical ethics magazine.

- Distribute magazine guidelines to each student.
- All students are expected to contribute to the magazine. Don't forget, student-developed visual elements are also needed.
- Students will select topics in medical ethics to research, write an article, and provide medical illustrations. Each article should be approximately 500-750 words long, and the author should take a definite stance on the topic investigated. Format articles using various medical/nursing journals as examples.
- In preparing the articles, library and Internet research should be undertaken, using current materials. At the conclusion of each article, **at least four** sources should be cited, using proper referencing format.
- First drafts will be submitted to the instructor for revising, proofing, and editing.
- Once the revisions have been completed, articles will be rewritten and typed for publication.
- As a class, work on advertising, cover design, and layout.
- Once the final drafts of all articles and visuals are complete, the class will assemble the magazine for publication. Typed articles and colored artwork are preferred.

Potential topics in each publication might include:

- Cloning
- Liability, malpractice, and lawyers
- Euthanasia
- Patient abuse
- Stem cell research
- Abortion
- Organ donation
- Surrogate parenthood
- Selection of transplant patients
- Religion, patient's rights, and technology
- Patient privacy and rights

Student Guidelines

Medical Ethics Magazine Production

Society is faced with many ethical dilemmas, especially in the healthcare field. Many of the concerns and issues have not been addressed by the magazine industry.

As enterprising young publishers, you realize that a magazine gap exists, and that you can fill it with a monthly publication aimed directly at medical ethics.

- Select a topic in medical ethics to research, write an article, and provide medical illustrations. Each article should be approximately 500-750 words long, and the author should take a definite stance on the topic investigated. Make sure you get instructor approval before beginning.
- In preparing the article, library and Internet research should be utilized, using current materials. At the conclusion of each article, **at least four** sources should be cited, using proper referencing format. Format articles using various medical/nursing journals as examples.
- First drafts will be submitted to the instructor for revising, proofing, and editing.
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Article Rubric

Student: _____ Date: _____

Scoring criteria	4. Excellent	3. Good	2. Needs Some Improvement	1. Needs Much Improvement	N/A
The article is well written					
The article is thoroughly researched, using at least four print and electronic sources.					
All sources and references are clearly and accurately documented.					
Article is suited to the target audience.					
Article takes a definite stance on the topic investigated.					
Content of the paragraphs emphasizes appropriate points.					
Accurate spelling, grammar, and punctuation.					

NOTE: N/A represents a response to the performance which is "not appropriate."

Unit Exam: Ethics in Action - **KEY**

1. Which statement **best** defines the concept of “ethics” **Answer: C**
 - a. Ethics is the ability to tell the difference in right and wrong behavior
 - b. Ethics is trying to judge people by what they believe and do
 - c. Ethics is a society’s standards of conduct based on moral values and principles of its members
 - d. Characteristics that bring people praise and admiration

2. **Explain the difference** in ethics and moral values. Give an example that illustrates your answer. **Ethics is society’s concept of right and wrong. Moral values are a personal belief system based on environmental factors. Society’s ethics are affected and influenced by the moral beliefs about those in positions of power or decision-making.**

3. Concerning models of ethical decision-making we discussed in class, **write** a brief explanation of the *“Rule of Reciprocity.”* **Reference** at least 2 of the following historical figures and summarize their contribution to this model of ethical decision-making: Confucius, Aristotle, the Mahabharata, and/or Jesus. **The “Rule of Reciprocity” is the golden rule – “treat others as you would like to be treated.” Confucius was a Chinese philosopher – “what you do not want done to yourself, do not do to others.” Aristotle was Greek – “we should behave to others as we wish others to behave to us.” The Mahabharata was an ancient Indian text “Do nothing to thy neighbor which thou would not have him do to thee thereafter.” Jesus was a Christian leader “As ye would that men should do to you, do ye also to them likewise.” These show cross-cultural influences of ethics throughout the world.**

4. Give a brief explanation of *Kant’s Categorical Imperative*. **This is an absolute moral duty based on given principles. There are no exceptions and no excuses – moral obligations are absolute, and do not leave room for extenuating circumstances. Includes the Rule of Universality and the Rule of Respect**

5. List the *Five Steps of Principled Reasoning* and give a brief description of each step.
 - a. **Clarify – determine precisely what must be decided**
 - b. **Evaluate – distinguish facts from opinions or beliefs**
 - c. **Decide – make a judgment**
 - d. **Implement – put decision into motion or an action plan**
 - e. **Monitor and Modify – monitor the effect of a decision, modify if necessary**