

Cornerstones of Clinical Ethical Decisions

Self Determination

- Decisions about whether to accept or refuse any medical treatment rest with a competent patient.
- Advance Directives
 - Durable Power of Attorney for Health Care
 - “Living Will”
- Loved ones
- Best interests
- In certain cases, a court appointed conservator or guardian is necessary:
 - no advance directive, family disagreement
 - no advance directive, no family
 - LPS conservatorship grants authority to accept or refuse medical treatment but not surgery on behalf of an incompetent patient

Beneficence (help) and Non-Maleficence (do not harm)

- Decisions must weigh benefits and burdens from the patient's perspective.
- When burdens are too great, or benefits are too small, *from the patient's perspective*, treatment can be stopped or not begun.
- Benefit and burden analysis applies to all medical treatments, including CPR, antibiotics, dialysis, artificial nutrition and hydration, surgery.
- There is no moral or legal difference between not beginning a treatment and stopping it.
- Pain medication must always be offered, even if it seems to hasten the moment of death.
- There is a legal and moral difference between causing death and allowing death.

Justice

- Cases that are alike in relevant ways must be treated alike.
- Harms and benefits must be distributed fairly.
- Health care is a basic human right; the least well off have a particular claim on our care
- Resources should not be wasted.
- Resources cannot fairly be rationed at the bedside.
- Individual decisions cannot be just if they take place within a basically unjust system.

Professional Integrity

- Health care professionals have a moral duty to “do no harm” but are not empowered to define harm in any particular patient's case.
- Health care professionals must not contradict their own conscience in rendering treatment, but
- Professionals must distinguish doing what is wrong from doing what is difficult.
- When a professional cannot in conscience render treatment to a patient that the patient wants, the professional must ask to transfer the care of the patient to someone else.
- Professionals are educated partly at the expense of society and for the good of society; therefore they have a moral obligation to give something back to the community.