

Ethical situation in healthcare



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ENQUIRY 3

Discuss the situation described from the perspective of the health and human services professional.

What would be the most appropriate response to the situation?

Include in your answer the:

- ethical frameworks, theories and principles appropriate to responding to the scenario
- relevant professional codes of ethics and codes of practice
- relevant legislation and guidelines, statute and common law, government guidelines.
- cultural and community values related to the issue, and
- comment on what would be appropriate and inappropriate responses of the health professional to the situation.

Case Study Three

Dr Simons was the new Surgical Consultant at a large public hospital. He was trained in the USA, and came with a reputation for being very fierce. Dr Simons regularly yelled at other staff, in particular Nurses, if his requests were not immediately met. He justified that if “ Chefs could yell at staff in a kitchen, where nobody’s life is at stake, he could yell at incompetence when it is a life and death situation”. Although the Nursing staff disliked Dr Simons, they continued to work with him as they felt intimidated.

One nurse, Clare, worked in Recovery where she looked after patients directly after they had surgery. She noticed that a very large proportion of Dr Simons' patients were in considerable pain after surgery, and several patients had adverse outcomes such as heavy bleeding from the surgical site. Clare was concerned about this, but was scared to report it for fear of reprisal from Dr Simons.

Eventually she was so worried about the patients' health she made an official complaint to the Hospital management. She was called in to the Director of Nursing and told that if she ever made trouble like that again, a reason would be found to not continue her employment. She was told that Dr Simons was a senior staff member, and she had no right to make complaints about his medical conduct as she was "only a Nurse".

What should Clare's response be?

As healthcare professionals, Nurse Clare and Doctor Simons are bound by or influenced by professional codes of practice and ethics, Hippocraticoaths, statutes and laws and government guidelines. Clare was being responsible and professional by reporting and making an official complaint to the hospital management as she was concerned for the health and well being of her patients. It is her responsibility to report any suspicions of malpractice or substandard care to the higher authority if the senior staff members do not investigate and take actions to mitigate the suspicions.

Considering that most of Doctor Simon's patients were in a lot of pain and were exhibiting signs of heavy bleeding at the surgical site, Clare did raised her concerns to the hospital management and may have had exposed him to <https://assignbuster.com/ethical-situation-in-healthcare/>

medical malpractice in the process. Instead of investigating the issue, the hospital management threatened to discontinue her employment. The fact that Doctor Simon is protected by the senior staff members despite his incompetence and medical malpractice is disturbing. Health professionals have codes of practice and guidelines to abide by. The National law requires Clare to report to a government body, AHPRA, if registered health practitioner knows of another practitioner's destructive actions. AHPRA is a government body that focuses on serious cases of substandard practice or conduct by practitioners, or serious cases of impairment. This is to safeguard patients and to reduce or prevent the risk of potential harm from a result of medical malpractice, negligence or impairment. A mandatory notification requirement helps to prevent the public from being placed at risk of harm. This shows that Clare have the right to report Doctor Simon's attitude and actions to AHPRA if the senior staff members do not take action against Doctor Simon after the reported incidents as Doctor Simon have behaved in a way that poses a serious risk to the public.

Ethics refers to standards of behaviors which are the best possible act in the many situations and issues that are raised as concerns. Ethics are not based on science, law, religion, accepted social norm, or feelings. It is viewed as approaches or processes such as, the utilitarian approach, an approach that is the one that provides the most good or does the least harm. The Utilitarian Approach deals with penalty; it tries both to increase the good done and to reduce the harm done. The Rights Approach is the one that best protects and respects the moral rights of those affected. This approach starts from the belief that humans have a dignity based on their human nature and their

ability to choose freely what they do with their lives. The Justice Approach, the idea that all people should be treated equally and fairly. Each of the approaches helps us determine what standards of behavior can be considered ethical. As there are still problems with the mentioned approaches, not all healthcare professionals agree to the specific approaches or the same set of human and civil rights. An ethical framework based on the approaches is to first recognize the ethical issue. After that, the healthcare professional must gather all the facts pertaining to the issue. He/she then must learn more about the situation and lay down the options available before acting on it. Subsequently, the next step would be to evaluate alternative approaches like the Utilitarian approach, Rights approach or Justice approach that best fits the situation. After considering the suitable approach needed to tackle the situation, he/she must act on the decided options. The end result must be reflected and evaluated if need be for further improvements.

As a healthcare professional, Doctor Simon is to abide by the Ethics that is in the best interest of his patients. This means that he must provide the best healthcare and at the same time, reduce the amount of harm done on his patients. In Clare's perspective, she viewed Doctor Simon's actions as most harmful to the patients as he had caused a lot of pain and bleeding to his patients' surgical site. As he did not abide by the Ethics in Clare's viewpoint, she has the right to report him to the higher authority to protect the patients.

The practice of Doctor Simon who caused pain and heavy bleedings to his patients was accepted by his peers may be due to the ' Bolam' test where

traditionally, doctors were not said to have breached their duty of care if they acted in accordance with a practice accepted by their peers: Bolam v Friern Hospital Management Committee (1957). As their peers were the ones who set the standard, substandard care and malpractice were more prominent during those times as long as the practice conducted is accepted by the rest. However, this soon changed because of an incident whereby a patient was left almost blind when the doctor had failed in informing her on the risk of sympathetic ophthalmia. In this case, there were two opposing sides in which one would inform the patient and another would not inform. Due to this, the law was changed and the standard was set not by peers but by the court instead.

Based on the Professional code of Ethics and Conduct, Ethical Frameworks, Theories and Principles, and Law and Guidelines, Clare should report to AHPRA if the higher authorities did not take any actions against Doctor Simon. By reporting to AHPRA also on the culture of the higher authority in her hospital, Clare would be able to break the inappropriate culture that is similar to 'Bolam' test. By doing so, Clare would be able to help stop the substandard practices and minimize the potential harm on the patients while maximizing the healthcare system to its optimum capabilities. This way, the patients would be able to receive better care with a methodological and ethical approach.

References

- Dhali, A. (2008). Understanding professionalism in health care in the twenty first century. *SADJ*, 63 , 174, 176-7

- Faunce, T., Shat, K., & Adams, C. (2008). Health & the law. : *Hot topics* (Sydney, N. S. W.); no. 64.
- Retrieved on 30/5/2014 from: <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Guidelines-for-mandatory-notifications.aspx>
- M. Velasquez, D. Moberg, M. J. Meyer, T. Shanks, M. R. McLean, D. DeCosse, Claire Andre and Kirk O. Hanson. *A Framework for Thinking Ethically* (May 2009) retrieved from: <http://www.scu.edu/ethics/practicing/decision/framework.html>