

## **Systematic Approach to Responding to a Request for Ethics Advice**

1. Determine what the question is and what type of information is needed to answer it.
  - a. Examples
    - i. Who should decide? - does the patient have decision-making capacity?
    - ii. If not, is there a guardian, Medical Power of Attorney representative, or health care surrogate, or does a surrogate need to be appointed?
    - iii. Is there a conflict between advance directives and a POST form?
    - iv. Is there a conflict between the patient's prior expressed wishes and what the family is requesting?
2. Gather information needed to answer the question.
  - a. Assess decision-making capacity or request qualified clinician to assess.
  - b. Inquire of family, friends, primary care clinician, and possibly others who knew the patient to determine and confirm the patient's expressed wishes if possible.
  - c. Look for completed advance directives and medical orders (DNR or POST) in hospital, nursing home, home health, or hospice chart; in medical records where patient was previously admitted; and in e-Directive Registry.
  - d. Look for failure of communication to see if the legally authorized decision-maker needs to talk to the treating clinician to understand the patient's diagnosis, prognosis, and recommended treatment
3. Synthesize the information.
  - a. Identify the ethically and legally appropriate decision maker
  - b. Engage in ethical analysis as taught by WVNEC in the 7-step process for ethical decision-making
  - c. Determine whether a formal meeting is needed with patient/family/others to discuss and attempt to resolve conflict
  - d. If needed, facilitate moral deliberation about potentially ethically justifiable options with requesting clinician, family, and others as appropriate
  - e. Determine if the case requires an ethics consultation because of the degree of conflict and/or the need for interdisciplinary input
4. Recommend an approach to address the question raised by the clinician that is justified by the values considered more important in this case.
5. Identify underlying systems issues that if addressed could avert a similar ethical issue in the future.