

## 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.**