

ACOI 2021

**Doing What's Right When
No One Is Looking**
Ethical Dilemmas in Clinical Practice

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Disclosures and Conflicts

**NEITHER PRESENTER HAS ANYTHING TO
DISCLOSE**

NEITHER PRESENTER HAS ANY CONFLICTS



OBJECTIVES

- 1. UNDERSTAND THE ISSUES INVOLVING A PATIENT'S FAMILY MEMBER DIVERTING PAIN MEDICATIONS**
- 2. UNDERSTAND LAWS REGULATING USE OF CONTROLLED SUBSTANCES FOR PAIN**
- 3. DEVELOP STRATEGIES FOR ADDRESSING UNPROFESSIONAL AND UNETHICAL BEHAVIORS IN COLLEAGUES & PHARMACEUTICAL REPRESENTATIVES**
- 4. APPRECIATE PATIENT CONFIDENTIALITY, SECURITY OF MEDICAL RECORDS & FIDUCIARY DUTY OF PHYSICIANS**
- 5. UNDERSTAND WHAT MAKES A THREAT CREDIBLE AND WHAT IS THE DUTY TO REPORT**

Ethical Dilemmas in Clinical Practice

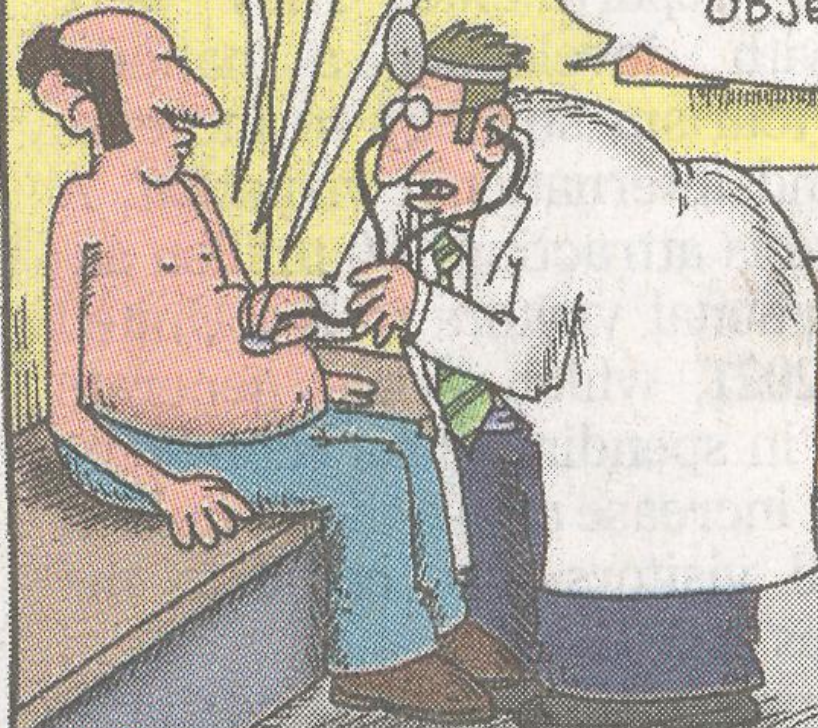
- **In each of the vignettes, participants are asked to:**
 - identify ethical, legal, healthcare or professional behaviors
 - decide whether they were appropriate or inappropriate &
 - discuss any other issues

S'IL VOUS
PLAIT.

QUE PASA,
AMIGO.

你好吗

IT APPEARS
YOU'VE SWALLOWED
SEVERAL FOREIGN
OBJECTS.



Scott
Hilburn

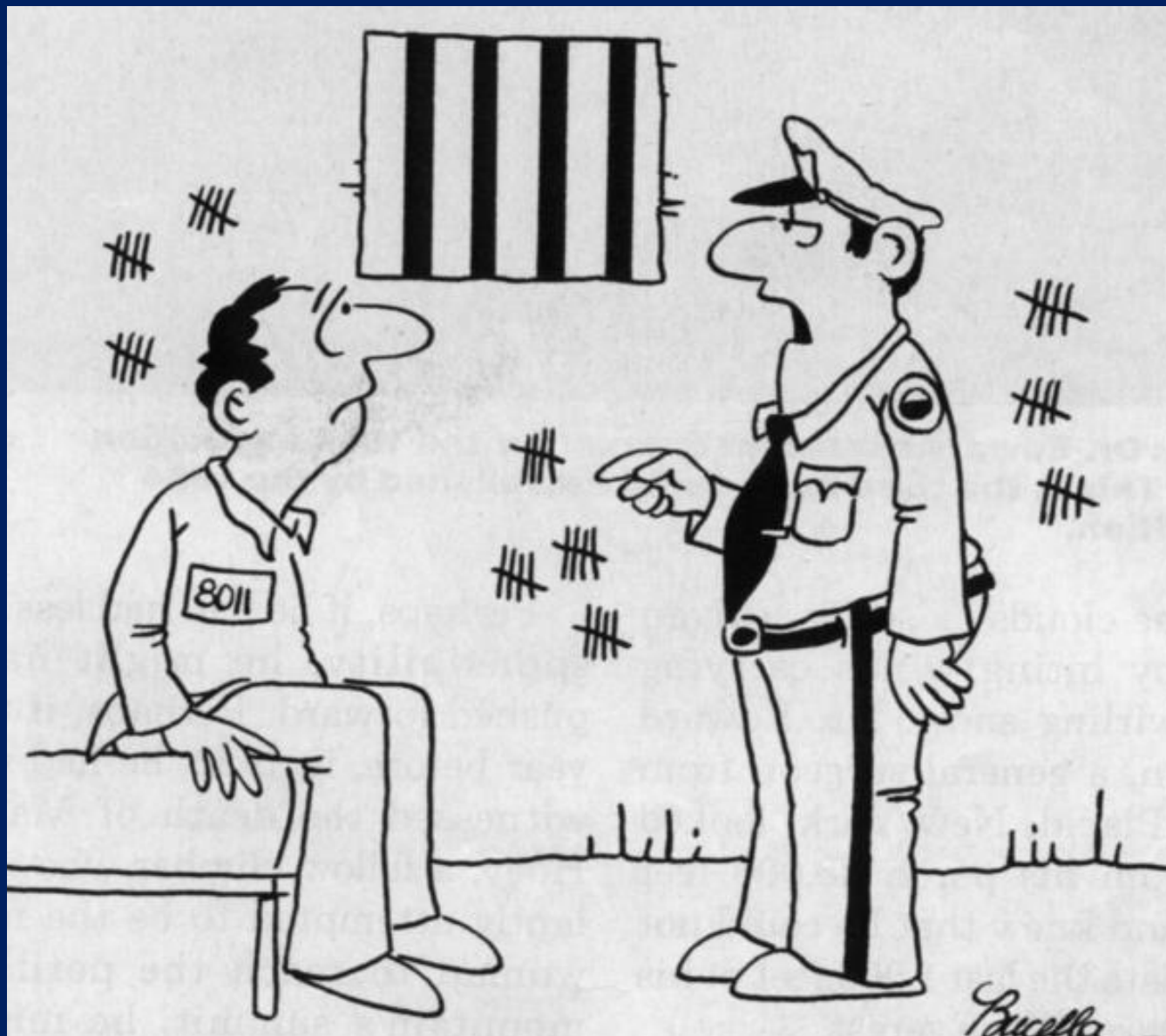
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Phone Messages



Leaving Phone Messages

1. Breach of Confidentiality?
2. Violation of HIPAA?
3. Type of authorization permissible?
4. Under what circumstances could/should you leave phone messages?
5. Circumstances where such communication should not occur?
6. Pharmacists?



Your lawyer will be in in a minute. Unfortunately for you, he's coming to share your cell!

Surgical Dilemma





Impaired Physician

- Is the physician impaired?
- Could it be due to substance abuse?
- Duty to report?
 - To whom?
 - Report what?
- Liability for not reporting?

Diversion of Controlled Substance



Diversion of Controlled Substance

- **Standard of Care in treating patient?**
- **Duty to report to law enforcement?**
 - **What to report?**
 - **Risk of not reporting?**
- **Because this involves an elderly patient, are there other considerations?**
 - **Duty to report?**
 - **Breach of patient confidentiality?**

Confidentiality

- Security of medical records
- Patient-Physician confidentiality privilege
- Medical records “must be true, accurate, complete and legible”
- Fiduciary duty of physician

Threatening Behavior



Threatening Spouse

1. What makes a threat credible?
2. Duty to report?
 - a. To whom?
 - b. Urgency?
3. Liability for reporting?
4. Liability for not reporting?



Bad Dog!

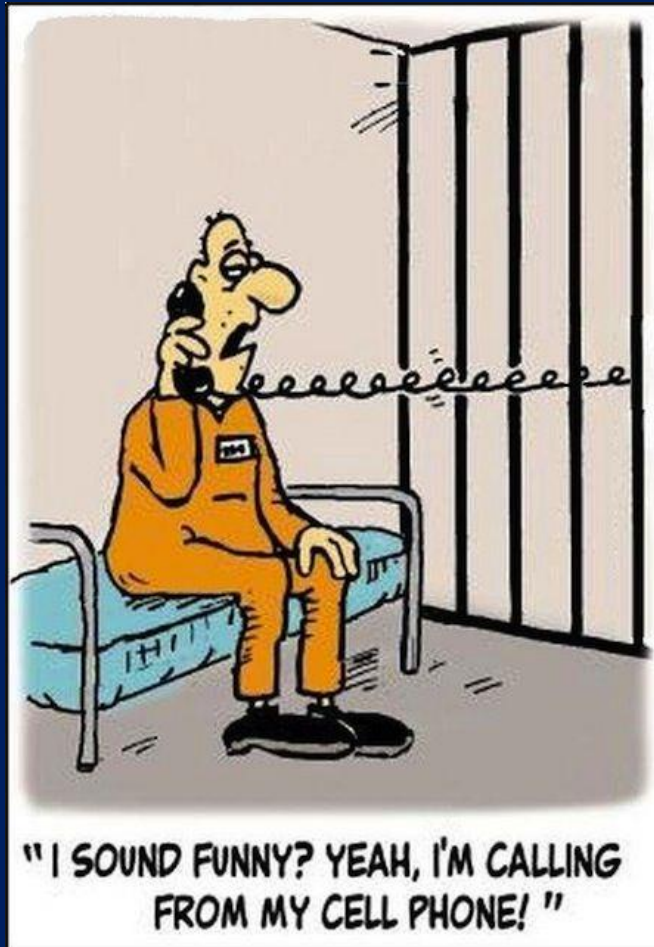
Pharm Representatives



Motivated Pharm Rep

- **Make any difference whether medication was controlled substance or not?**
- **Federal laws implicated**
- **State laws implicated**
- **Ethical issues implicated**
- **How should this be addressed?**

Inappropriate Behavior



Inappropriate or Impaired

- Is the behavior inappropriate?
- Does the location matter?
- Should something be done; and if so, what?
- Are there liability implications?

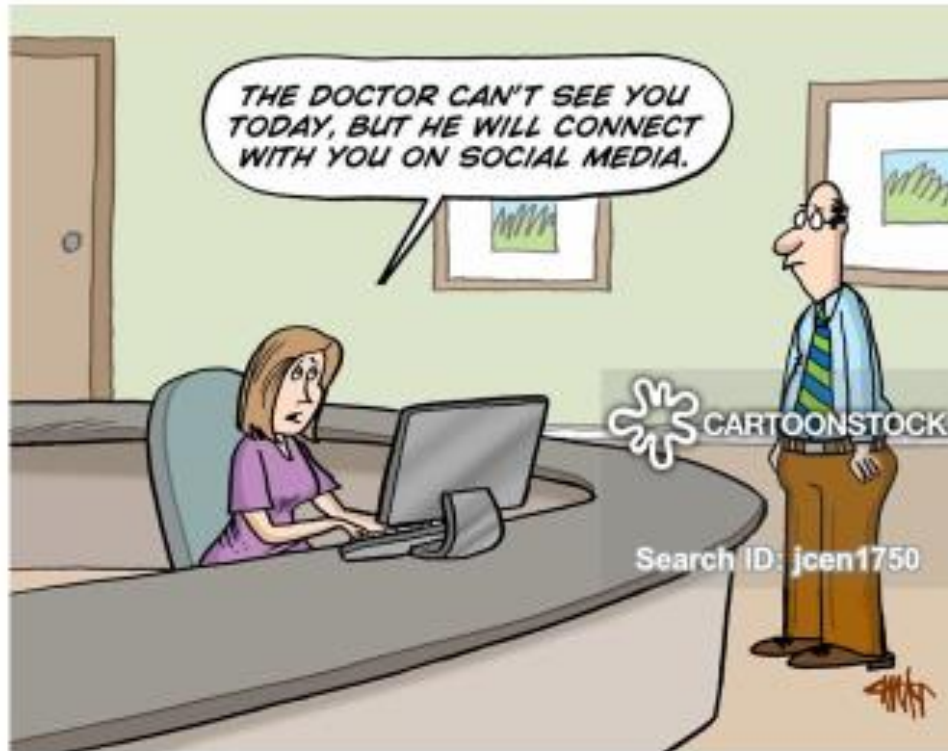
It's Just a Lump!



It's Just a Lump!

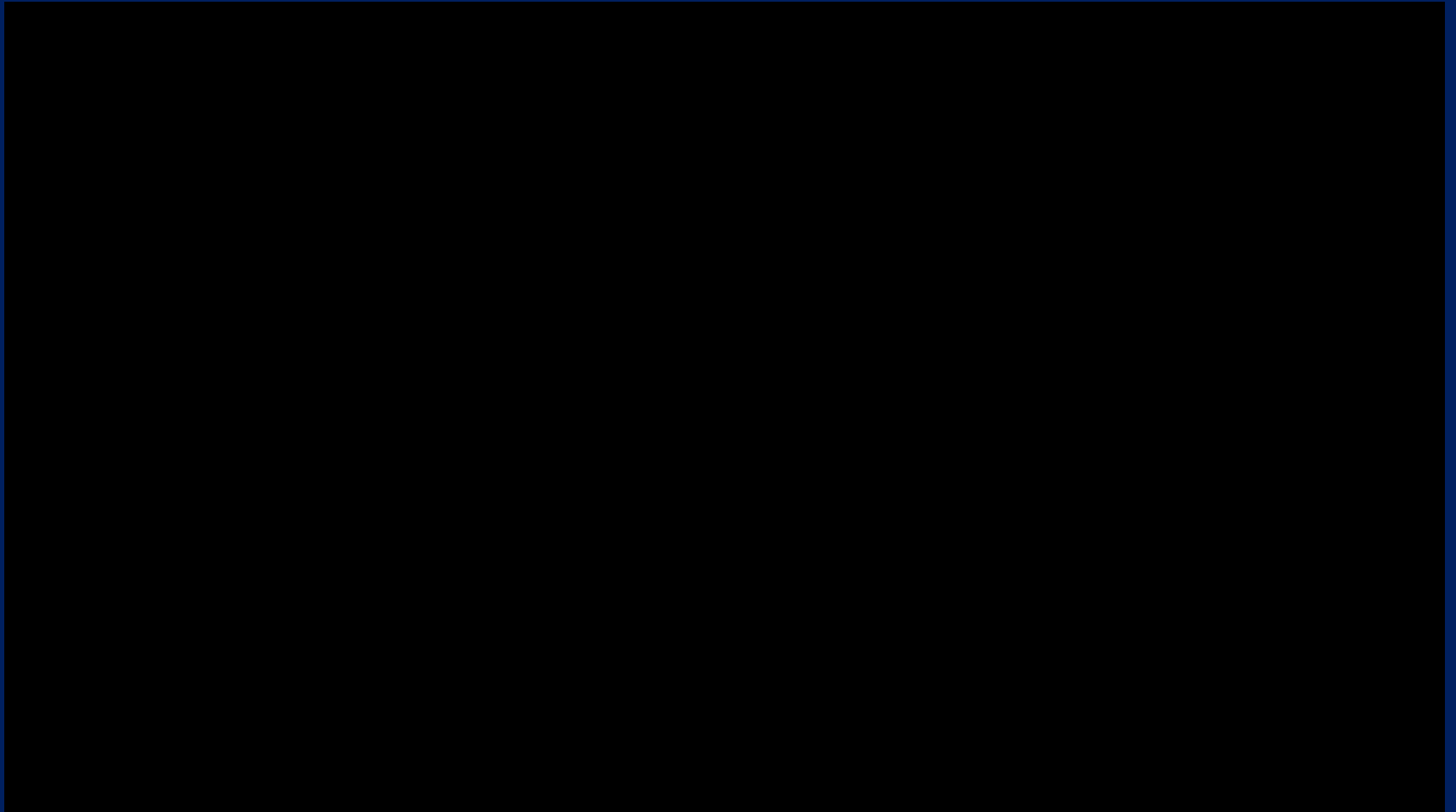
- What is (are) the issue(s) in this case?
- As the patient's advocate should not the physician comply with her request?
- What other options are possible to resolve this issue?

Telemedicine Gone Awry



Now inhale deeply Mrs. Saunders

Telemedicine Gone Awry

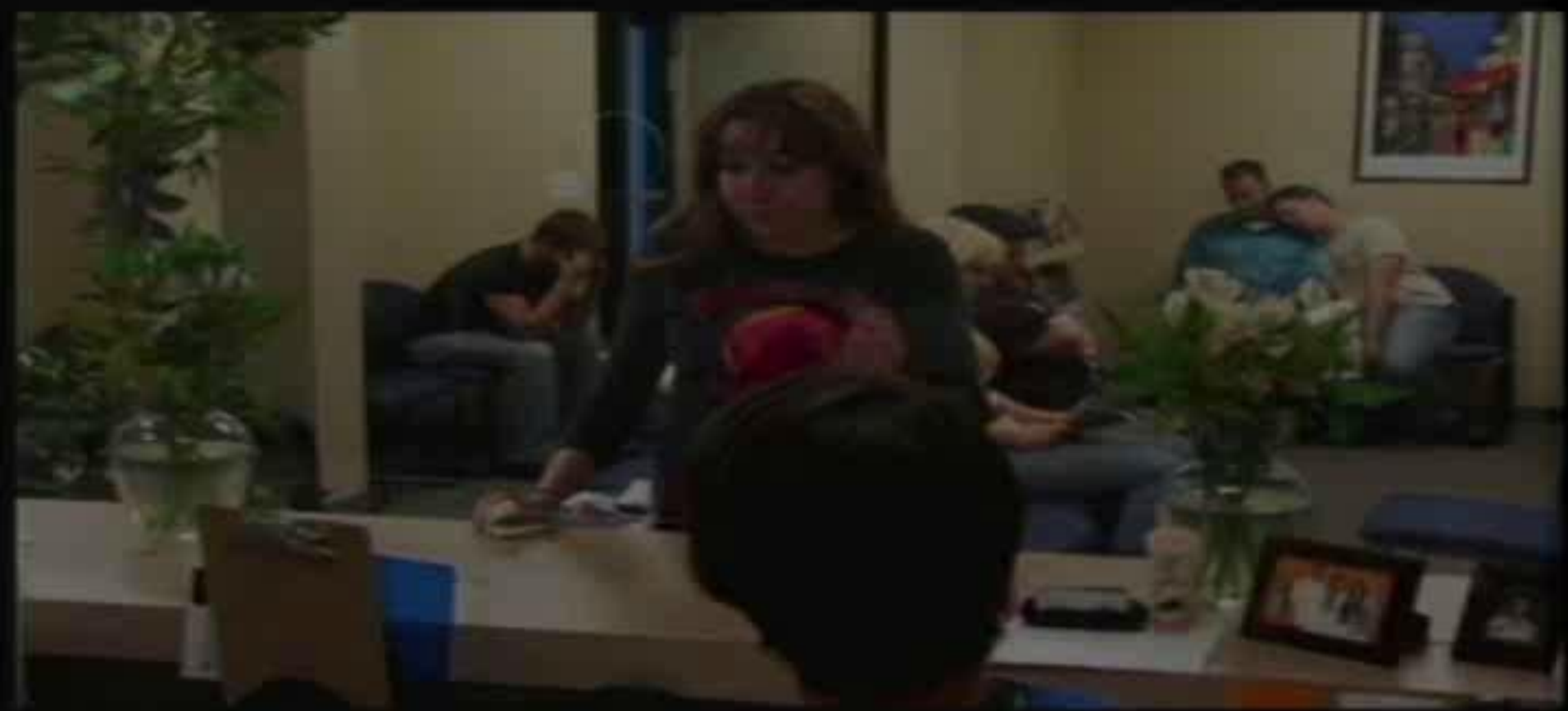


Telemedicine Gone Awry

- What went wrong with this interaction?
- Was “standard of care” met by the healthcare provider?
- Did the patient mislead the healthcare provider?
- What could have made this interaction a more appropriate use of telemedicine?

doctors' strike

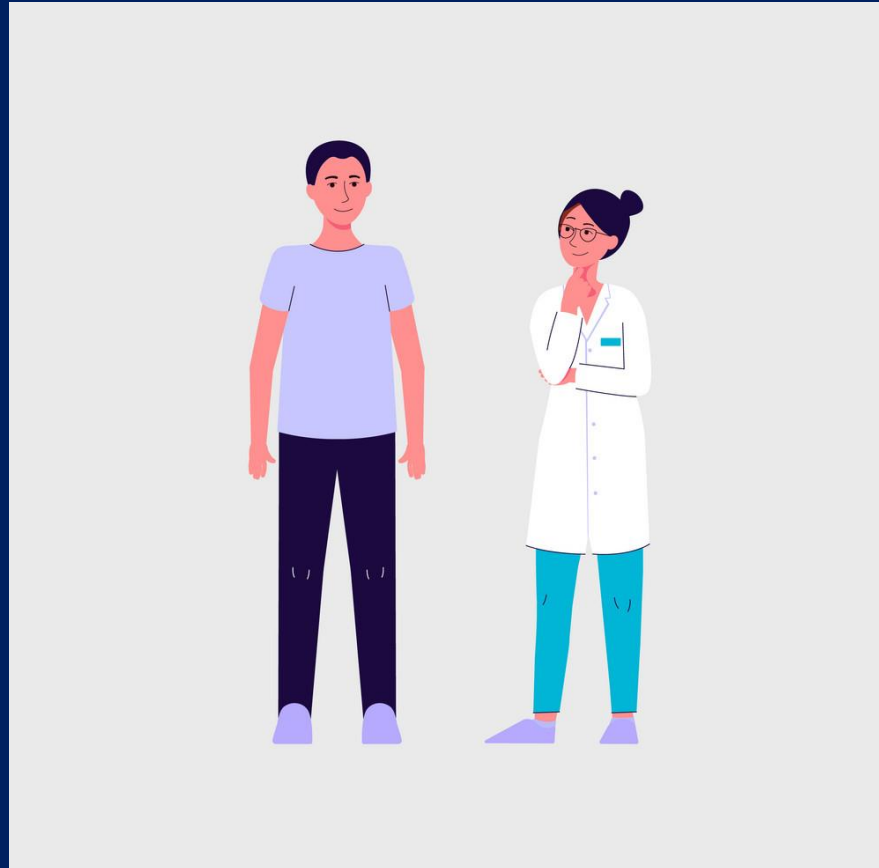




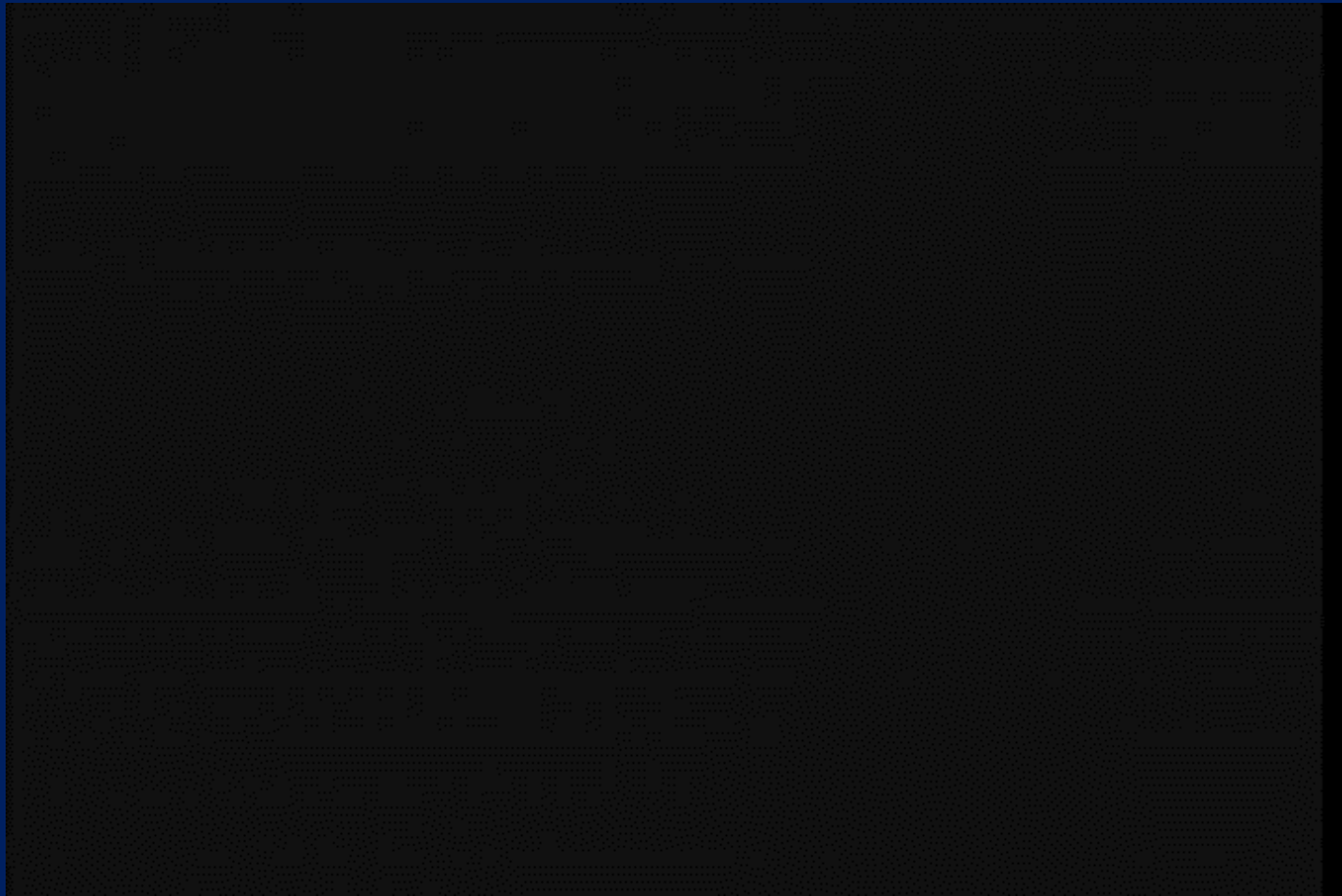
ACA Medicaid Clinic of the future?

- Any difference if the last patient with migraine was given Rx for Opiates?
- Adequacy of history and physical?
- Is this different from telemedicine?

Observation or “checking him out” ?



When Familiarity Goes Too Far!



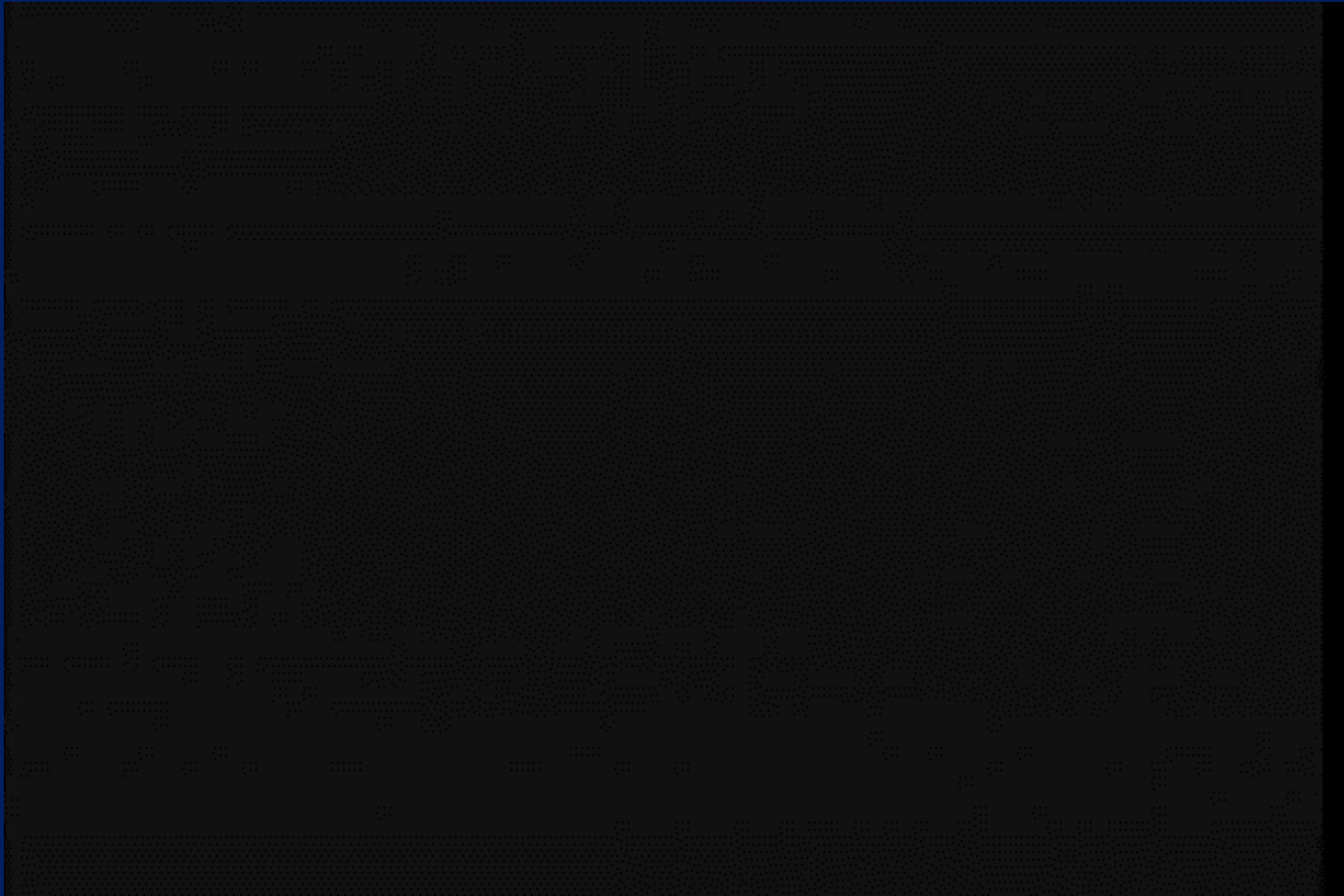
When Familiarity Goes Too Far!

- Was the kiss the 1st indication of a potential problem?
- Once the patient kissed the physician, what could/should have been done?
- What could have prevented the obvious inappropriate issues in this patient interaction?

The Seductive Patient



The Seductive Patient



The Seductive Patient

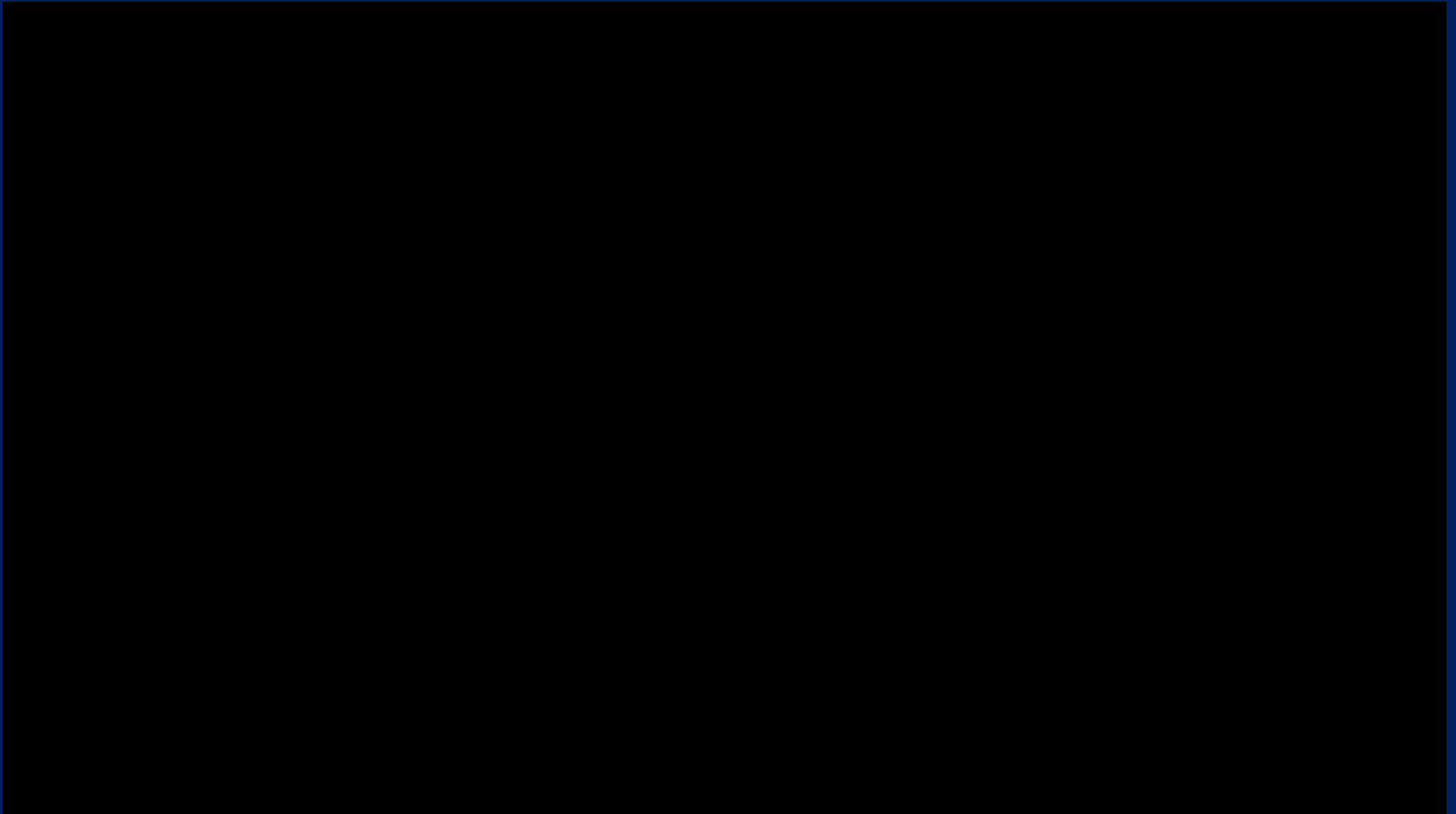
- **At what point should the physician have made a change in his interaction with the patient?**
- **What could/should have been done to address the potential issue?**
- **Who has the responsibility for limiting such patient interactions?**

Autonomy Trumps Transfusion ?



I agree O-positive is rather nice,
but my favourite by far is AB-negative...

Autonomy Trumps Transfusion ?



Autonomy Trumps Transfusion ?

- **The compelling issue here?**
- **Whose responsibility to discuss the issue?**
- **Is autonomy absolute?**
- **Is her marital status relevant?**

Assisted Suicide vs Euthanasia

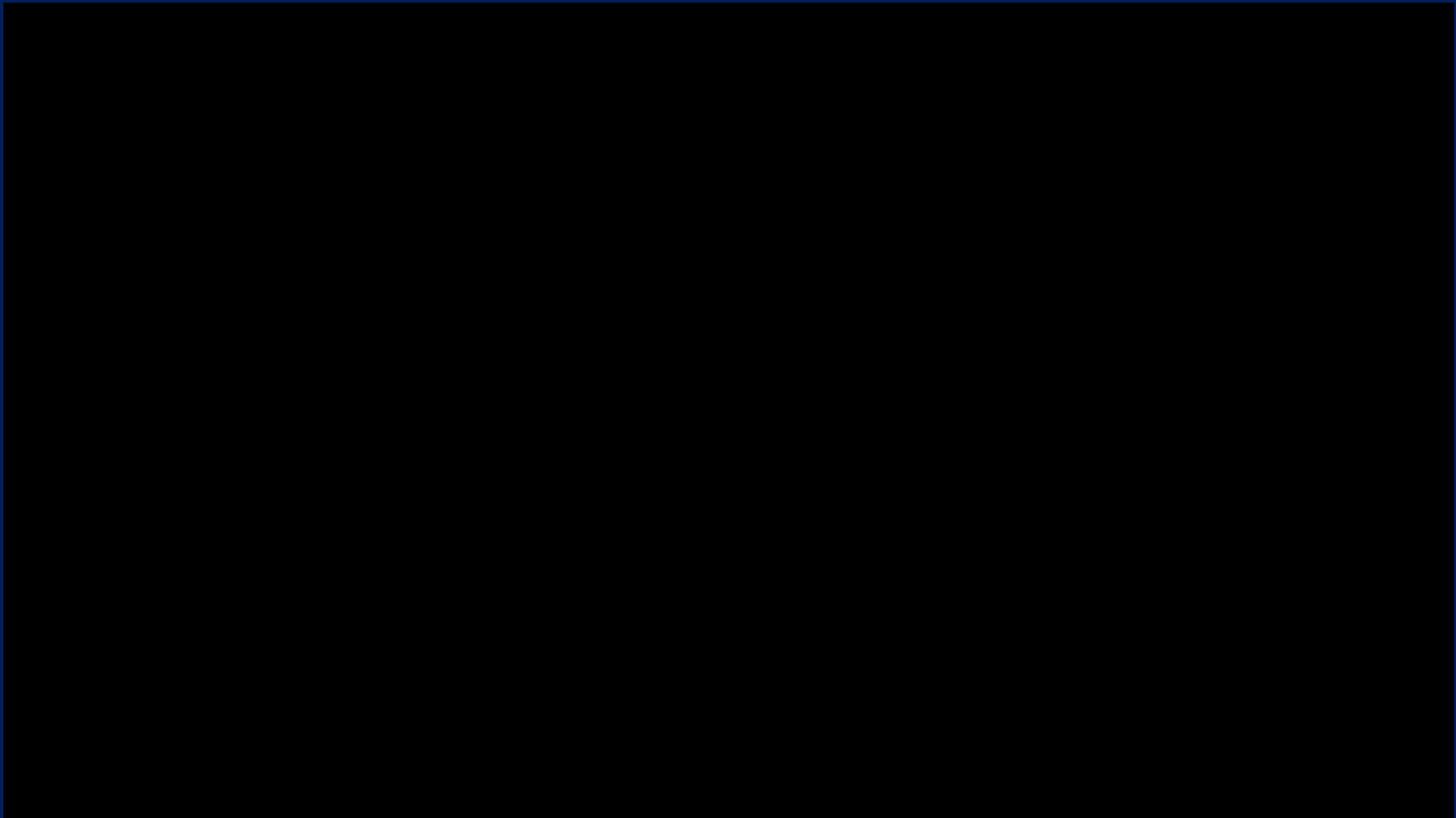
THE DEBATE ON EUTHANASIA IS BACK ON TRACK !



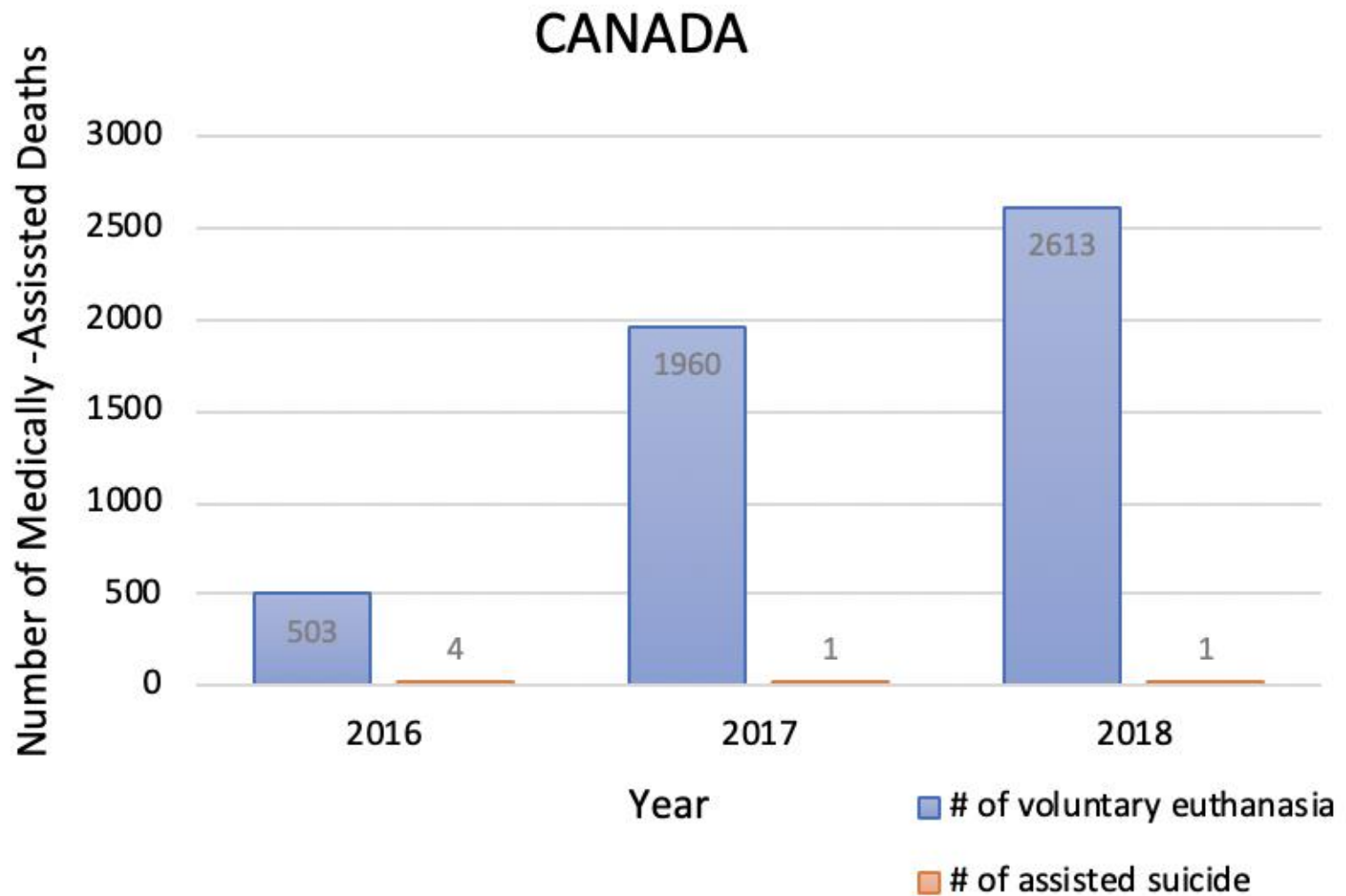
Based on Osvaldo Cavandoli

Plop
&
Kankr

Assisted Suicide vs Euthanasia



Assisted Suicide vs Euthanasia



Assisted Suicide vs Euthanasia

- **What is the difference practically?**
- **What is the difference legally?**
 - **The Jack Kevorkian MD experience**
 - **General requirements**
- **Why this disparity?**

**Thank God He Stopped
Talking!!!**



**THE
END**

