

the ethical PRACTICE

In this ACOI Information feature, members of the Ethics Committee present a case study featuring a potential ethical conflict, followed by a discussion of the ethical issues involved. Reader comments are welcome and should be submitted to Brian J. Donadio at bjd@acoi.org. This month's case is submitted by Jack D. Bragg, DO, FACOI, President, ACOI Board of Directors, and a member of the ACOI Ethics Committee

Your patient, TB, is a 30 year-old man who has had struggled for a long time with alcohol and substance abuse. You believe that after several stints in rehab and counseling he's been clean and sober for about six months now. He's working two jobs, one as a school bus driver, to support his girlfriend and her two small children that he lives with.

At this routine clinic visit he tells you that he's started using meth again, but offers no plan to deal with it. It bothers you that he's driving a school bus while he may be under the influence, but you take patient confidentiality very seriously. Your state may require you to notify the Department of Motor Vehicles about him. What do you do?

1. Turn him in and don't worry about it.
2. Do nothing so as to not violate the confidentiality of his care.
3. Tell him he must immediately quit the driving job.
4. Tell him he has to quit his job but you will be glad to work with him to get off the drug in exchange for not turning him in.
5. Ask him what he wants to do about this.

Ethical Analysis

There are several ethical theories that can be used to solve ethical problems. One of the most common ones is called the "principle-based-approach."¹ Most authors include from four to six principles. They include:

1. Patient autonomy - defined as "the capacity to act on your decisions freely and independently."²
2. Beneficence - Always to do good for a patient.
3. Nonmaleficence - Don't do anything to harm a patient.
4. Veracity - Always tell the truth to patients and never deceive.
5. Justice - Ensure that everyone, whether an individual or group, gets what they deserve.

In this situation you must do right by the law, society and the patient. You may be legally obligated to notify the DMV, but at the same time you owe something to the patient since you have a relationship with him. That would mean offering to work with him to try to resolve the problem. That may take several forms, such as insisting that he quit his job, or checking into rehab today, or getting his permission to bring his counselor or other health care personnel into the situation. You also owe society protection from the patient's actions that endanger them. You need a solution that respects the patient's autonomy, does no harm, breaches confidentiality only to prevent harm to someone and is just for all. Doing that will require the patient's cooperation, of course, but most likely it can be accomplished.

References

1. Ethical Dimensions in the Health Professions. Purtilo, Ruth; Doherty, Regina; 5th Edition. Elsevier
2. Resolving Ethical Dilemmas: A Guide for Clinicians. Lo, Bernard; Fourth Edition. Wolters Kluwer- Lippincott Williams & Wilkins