
Clinical and Organizational Ethical Decision-Making Guidelines



Developed by:
Health PEI Clinical and Organizational Ethics Committee (June 2020)

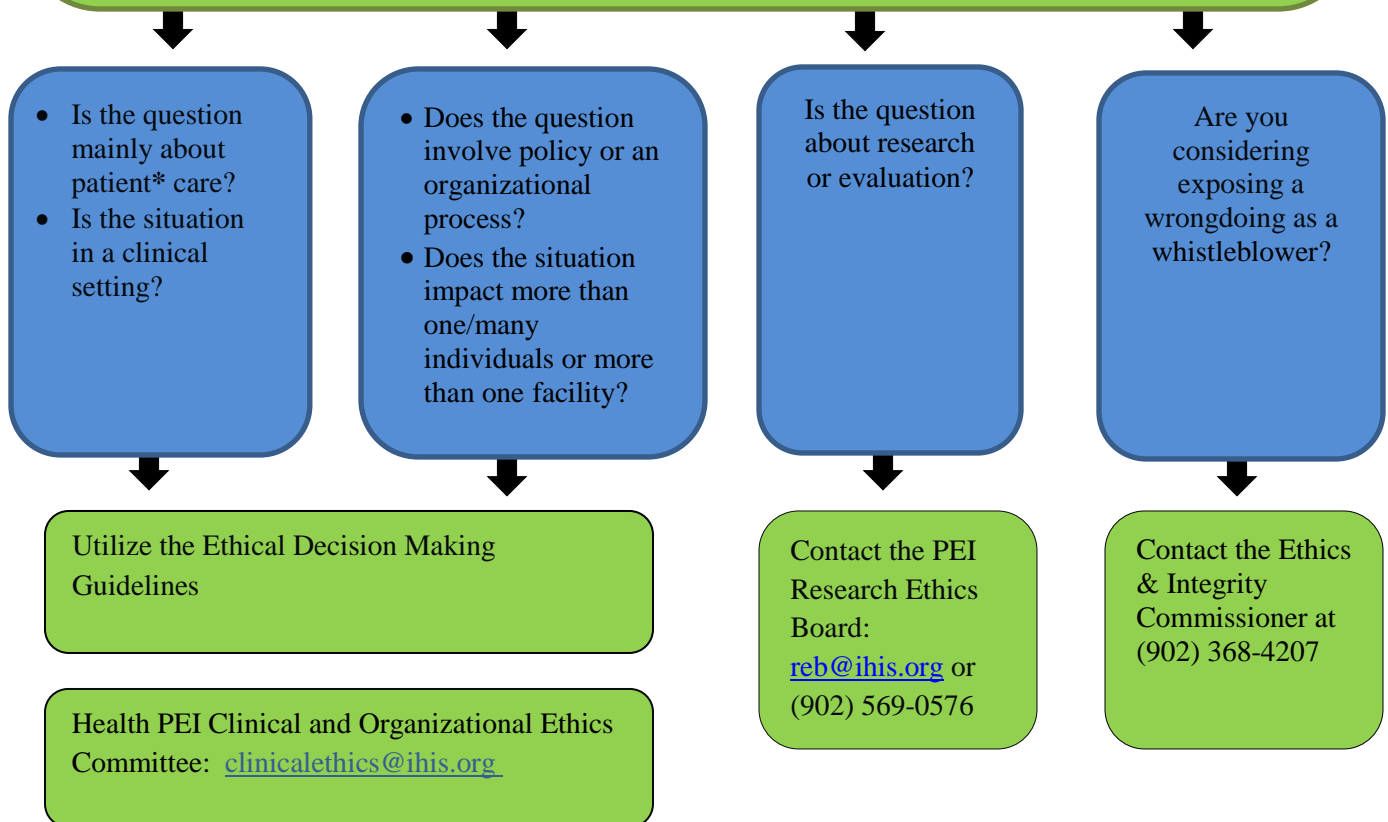
Presented to:
Health PEI Executive Leadership Team (*September 8, 2020*)

Guidelines will be revised as required. The most current guidelines are available on the Health PEI [Staff Resource Centre](#) site. Please ensure you have the most up-to-date version at your work site.

Ethical Support Decision Tree

Do You Have an Ethical Question?

- Are you wondering “What is the right thing to do?”
- Are the differences expressed, using words such as “fairness” or “respect”?
- Do you feel caught between two or more obligations, such as promoting wellbeing and respecting choice?
- Do multiple options seem right or wrong?
- Is there no clear policy, law or standard giving direction?
- Would you describe yourself and others as feeling moral distress over an issue?



**Note that the term “patient” may be substituted with “client” or “resident” depending on the program or service involved.*

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Clinical and Organizational Ethics

What is “ethics”?

Ethics is a set of moral principles based on values, cultural understanding/social norms that govern a person’s or group’s behavior.

What are ethical issues?

Ethical issues are those situations we encounter every day that require us to consider which course of action is right, fair, honest and legal. Ethical issues occur because there are equally compelling reasons for or against two or more possible courses of action. An ethical dilemma occurs when there is conflict between the values and beliefs that we hold important and meaningful as individuals, or as an organization. Ethics is challenging because it forces us to make a difficult choice between two or more options that have equally good or equally bad outcomes and we want to decide on the “right” option.

Healthcare ethics is concerned with arriving at the best course of action that is in the best interest(s) of the patient and their family/partner in care, health care staff and the organization.

Ethical Culture

Ethical dilemmas in health care are commonplace. Decisions with ethical implications are made every day on clinical and organizational issues. Ethics encompasses values, theories and/or principles which can influence our ethical decision making. An ethical culture refers to the outlook, attitude, values, goals and practices shared by a group, organization or society. A culture of ethics considers personal and organizational values while honoring and hearing the voices of all parties involved in a decision.

An *ethical dilemma* arises when a decision must be made between two or more options and where there are compelling reasons for and against a particular course of action that may cause conflict between the values and beliefs that are attached to the options.

Clinical Ethics are about making the right choices/decisions regarding care for the patient. Examples of clinical ethics include: consent to treatment, confidentiality, end of life decisions, organ donation, patient autonomy and withdrawal or refusal of treatment.

Organizational Ethics are about the principles and standards by which organizations operate, such as appropriate use of power in policy development, fair allocation of limited resources, setting organizational priorities, and responsible partnering with private organizations. Examples of organizational ethics include: bed allocation, code of conduct, patient rights and responsibilities, employee conflict of interest and disclosure of adverse events.

Health PEI Values Include: Caring, Integrity & Excellence

Our Values

Core values are integral to our activities and relationships as healthcare professionals and providers at Health PEI.

CARING

We treat everyone with compassion, respect, fairness and dignity.

INTEGRITY

We collaborate in an environment of trust, communicate with openness and honesty, and are accountable through responsible decision making.

EXCELLENCE

We pursue continuous quality improvement through innovation, integration, and the adoption of evidence based practices.

When considering an ethical dilemma, Health PEI's Ethical Decision- Making Framework is guided by the following ethical theories, principles and other considerations which can guide the discussion:

Theories of Ethics

- ❖ **Utilitarianism:** An ethical theory that considers an action to be right when it leads to the greatest possible balance of good consequences or to the least possible balance of bad consequences. That is, the greatest good and the least amount of harm for the greatest number of people.
- ❖ **Deontological:** An ethical theory whereby rules are established to determine what is right or wrong based on one's obligations and duties.
- ❖ **Ethic of Care:** An inductive process in which the starting point is the individual's circumstances or personal story. It values feelings and emotions, empathy and care.

Principles of Ethics

- ❖ **Autonomy (*Self-determination*):** Capable and competent individuals have the basic right to self-determination, independence and freedom, enabling them to make informed choices.
- ❖ **Non-maleficence (*To do no harm*):** This principle obliges us to act in such a way that we prevent or remove harm from our patients and ourselves.
- ❖ **Beneficence (*To do good*):** This principle requires that we perform acts that will benefit patients.
- ❖ **Justice (*Fairness, according to need*):** The obligation to be fair to all people and treating people according to their need. The principle of justice can be further expanded to include distributive justice, such as fair access to, and allocation of, resources and to procedural justice or shared decision-making. It involves including people in the decisions that affect them.

Other Considerations

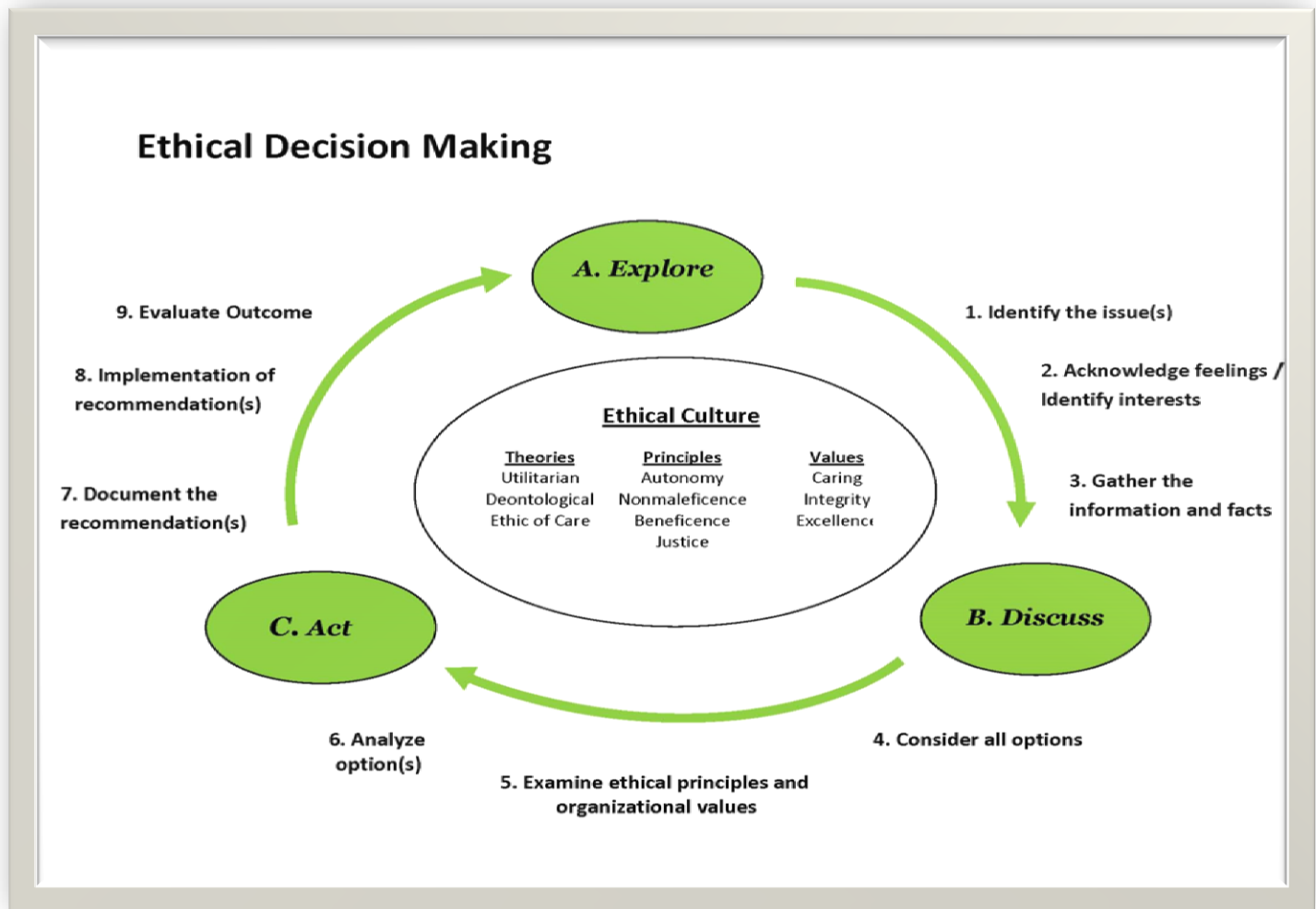
- ❖ **Quality of Life:** The ability to function physically, emotionally, spiritually, and socially as perceived by the patient and care providers.
- ❖ **Dignity:** Considers the worth of the person.
- ❖ **Consent:** The patient freely authorizes and agrees to treatment.
- ❖ **Capacity (or competency):** The client understands his/her condition/situation, options, and appreciates the consequences of the various choices being considered.
- ❖ **Confidentiality:** The obligation to hold in confidence the patient's and organizational information which is shared in confidence.

Ethical Decision-Making Framework

An *Ethical Decision-Making Framework*¹ is a standardized approach that provides an individual or group facing an ethical dilemma with processes and tools for managing ethics issues, dilemmas and concerns within the workplace.

Health PEI has adopted the following Ethical Decision-Making Framework:

Explore – Discuss - Act



¹ Taken from the "Ethics in Action Workshop" sponsored by Accreditation Canada in Halifax, Nova Scotia (November 16-17, 2015)

An ***Ethical Decision -Making Framework*** can be used in completing case analysis. Two types of case analysis are:

1. **Retrospective (case review):** The purpose is to learn from the case to assist us in resolving similar cases in the future; and,
2. **Prospective (case consultation):** The purpose is to help facilitate decision-making to assist us in coming to resolution around the issue in an ethically appropriate way.

When an Ethical Dilemma is Identified

The individual or group identifying an ethical dilemma is encouraged to work through the ethical dilemma using the Ethical Decision-Making Framework and either the Ethical Decision-Making Worksheet-Clinical or the Ethical Decision-Making Worksheet-Organizational. The Ethical Decision-Making Worksheet has been designed as a step-by-step guide to assist the individual or group in working through the Ethical Decision-Making Framework when addressing an ethical dilemma.

The Ethical Decision-Making Framework helps the identifying party consider each component of the process in their deliberations - identifying pertinent data and looking at the situation from different perspectives (ethical theories, principles and other considerations) in a comprehensive and logical manner.

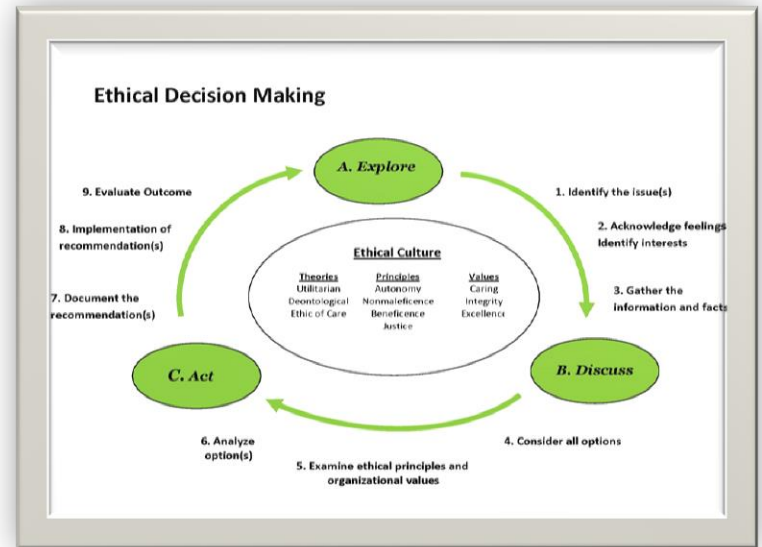
Steps of the Ethical Decision-Making Framework

A. Explore

Identify - Acknowledge - Gather

Using the Ethical Decision-Making Framework, complete the Decision-Making Worksheet using either:

1. **Clinical Worksheet; or**
2. **Organizational Worksheet**



Step 1: Identify the Issue(s)

During this stage, clearly identify and objectively articulate the issue(s). What dilemma(s) need to be solved? What is the ethical conflict?

Step 2: Acknowledge the Feelings/identify the interests of all parties

Reflecting on the initial emotions and feelings is an important step as it may influence how one responds or reacts to the situation. What are the “gut” reactions? Are there biases, loyalties? Considering the interests and concerns of all parties helps to provide a more complete understanding of the issue(s)

Step 3: Gather the information and facts

Complete either the Ethical Decision-Making Worksheet - Clinical or the Ethical Decision-Making Worksheet - Organizational, whichever is applicable to your issue.

Clinical Application – Criteria below is to assist in completing the [Ethical Decision-Making Worksheet – Clinical](#). For more self-guiding questions, see Appendix A:

Clinical Application - Ethical Decision-making CRITERIA²	
<p>Medical Indications</p> <p>Consider each medical condition and its proposed treatment.</p> <p>Ask the following question:</p> <ul style="list-style-type: none"> • Does it fulfill the goals of care? • What is the probability of success? 	<p>Patient Preferences</p> <p>Address the following:</p> <ul style="list-style-type: none"> • What are the patient's wishes? • Does the patient have the capacity to decide? Y/N • If not, who is the substitute decision-maker of the patient? • Do the patient's wishes reflect a process that is: <ul style="list-style-type: none"> • Informed? Understood? Voluntary?
<p>Quality of Life</p> <ul style="list-style-type: none"> • Describe the patient quality of life in his/her terms. • What is the patient's expectation of the probable outcome? • What are the views of the care providers about the quality of life? 	<p>Contextual Features</p> <p>Social, cultural, religious, legal, economic and institutional circumstances in the case that can:</p> <ul style="list-style-type: none"> • Influence the decision • Be influenced by the decision (e.g. inability to pay for treatment, inadequate social support, family dynamics, etc.)

² Adapted from the four-box method developed by AR Jonsen, M. Siegler, W. Winslade, *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine*, 7th Edition, New York: McGraw-Hill 2010, and discussed on the University of Washington School of Medicine website at: <https://depts.washington.edu/bhdept/ethics-medicine/bioethics-tools>

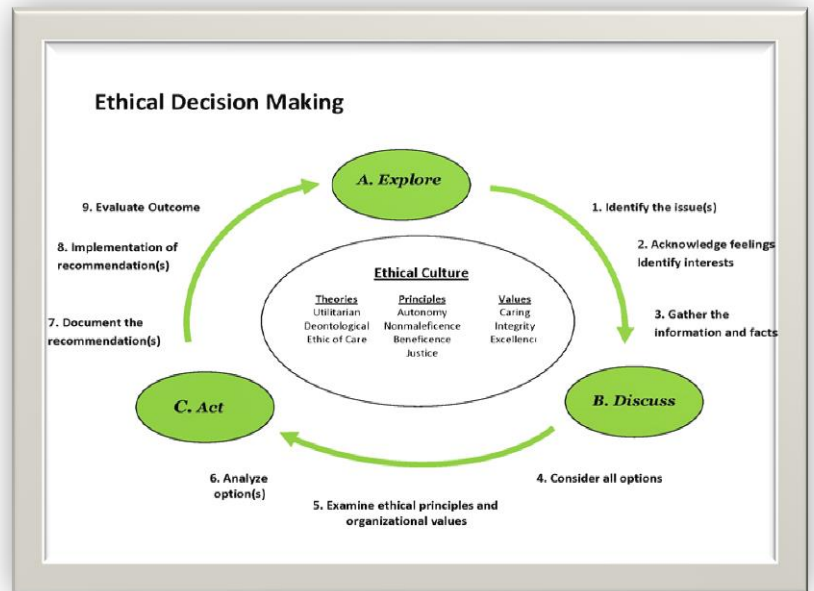
Organizational Application – Criteria below is to assist in completing the [Ethical Decision-Making Worksheet - Organizational](#). For more self-guiding questions, see Appendix B:

Organizational Application - Ethical Decision-making CRITERIA³	
<p>External Environment</p> <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> Political Economic Social Technological </div> <div style="font-size: 3em; margin-right: 10px;">}</div> <div> Consider each of these aspects in identifying the issue(s) and as you analyze the options </div> </div> <p>Governance Context How are the issues and analysis congruent and impacted by: the direction of Government, the strategic plan, laws and politics?</p>	<p>Service, Quality and Performance</p> <ul style="list-style-type: none"> • What are the patient/organizational outcomes? • Does it enhance or undermine quality and risk issues? • Does this affect efficiency? • Are we using resources properly?
<p>Integrity</p> <ul style="list-style-type: none"> • Does this impact work life? Workload? Relationships? Communication? • What is the overall wellness of the person? The system? • Does this enhance retention? • What are the financial implications? 	<p>Values and Ethics</p> <p>In what way(s) is this consistent with or compromise:</p> <ul style="list-style-type: none"> • The organization's values • Ethical theories and principles • Personal integrity

³ Adapted from the four-box method developed by AR Jonsen, M. Siegler, W. Winslade, *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine*, 7th Edition, New York: McGraw-Hill 2010, and discussed on the University of Washington School of Medicine website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools>

B. Discuss

Consider - Examine - Analyze



Step 4: Consider Option(s)

Explore as many options as possible.

Step 5: Examine Ethical Principles and Organizational Values

Identifying principles and values will not provide solutions. Rather, this will assist in clarifying and articulating the issues. Consider the preferences of the person receiving care and views of all parties. Are their values/principles in conflict?

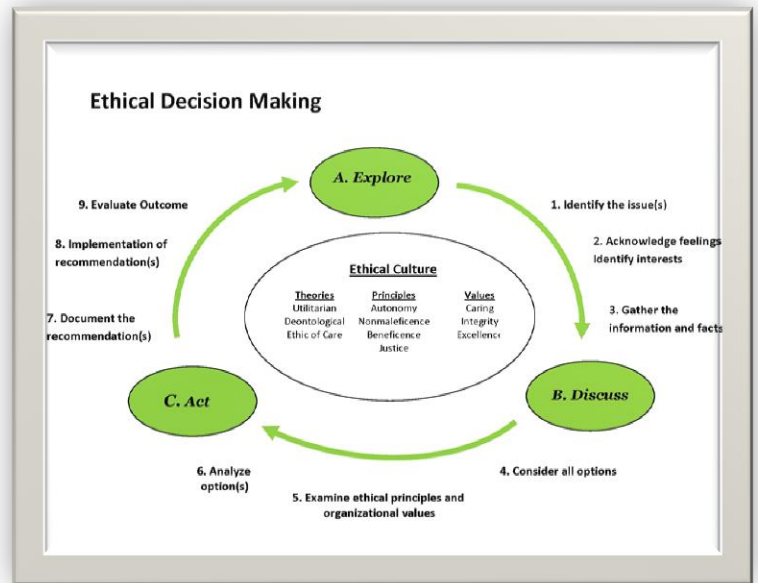
Step 6: Analyze Option(s)

In exploring the options, you need to consider the benefits, risks and consequences of each one. Consider the following to help you:

- Which option will produce the greatest good and do the least harm for all involved?
- Who is the appropriate decision maker(s)?
- Document option(s) on the Ethical Decision-Making Worksheet.

C. Act

Document - Implement - Evaluate



Step 7: Document the recommendation(s)

Document the recommendation(s) on the Ethical Decision-Making Worksheet

Step 8: Implementation of the recommendation(s)

Decide how to communicate the plan to the people involved in this issue. Implementation of the recommendation(s) is the responsibility of the person(s) who requested the consult.

Step 9: Evaluate the outcome

What recommendations were implemented and what were the results? Is follow-up necessary? If so, when and with whom?

If the dilemma is resolved by using this process, the resolution should be documented using the Ethical Decision-Making Worksheet - Clinical or Ethical Decision-Making Worksheet – Organizational and include the following information: What was the resolution? What is the plan to implement? How will the plan be evaluated? Who is accountable and for what results?

How and When to Consult with Clinical and Organizational Ethics Committee

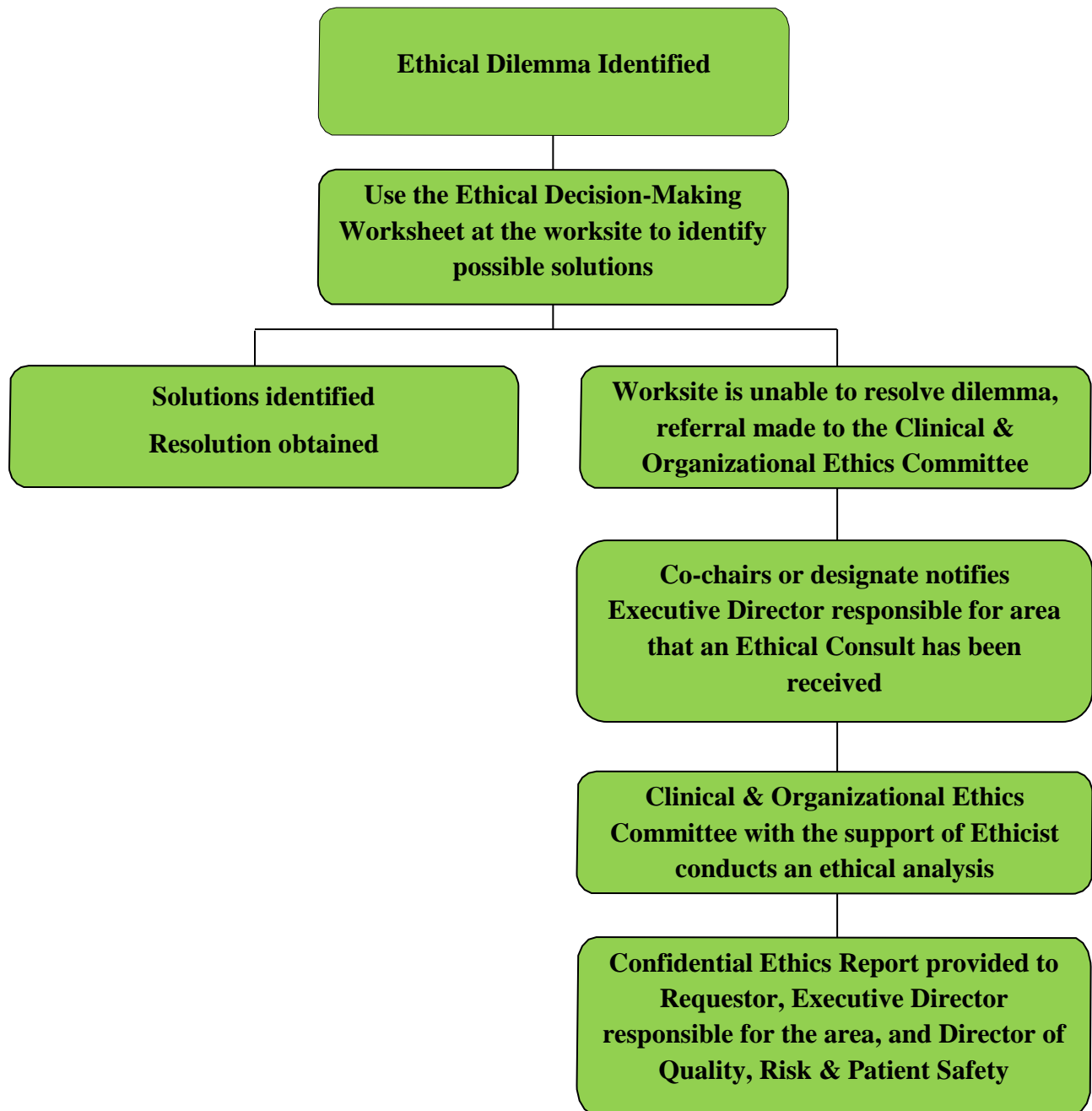
If your team is unable to resolve the dilemma using the Ethical Decision-Making Framework and Worksheet, then an ethics consult can be requested by either scanning and emailing the Ethical Decision-Making Worksheet together with an [Ethics Consult Requestor Form](#) (Appendix C) to ClinicalEthics@ihis.org, or by sending the forms via inter-office mail in a sealed envelope marked "Confidential" to:

*Attention:
Health PEI Clinical and Organizational Ethics Committee
c/o Quality, Risk & Patient Safety Division
16 Garfield Street, Charlottetown PE C1A 6A5*

Consult requests can come from Health PEI leadership, management, front- line staff and physicians.



Ethical Decision-Making Workflow



Health PEI Clinical & Organizational Ethics Committee

Purpose

The Health PEI Clinical and Organizational Ethics Committee cultivates a culture of ethics by providing education on ethics and by providing a forum for dealing with ethical issues of a clinical or organizational nature. Ethics issues may be brought to this multidisciplinary committee by leadership, management, staff and physicians. The Clinical & Organizational Ethics Committee acts in *an advisory capacity* to support ethical decision-making in the health system and is part of the Integrated Quality and Patient Safety Framework of Health PEI. The Clinical & Organization Ethics Committee *provides recommendations* on clinical and organizational issues for ethical consideration; the decision to accept the recommendations rests with the individual or the team.

Membership

The Clinical & Organizational Ethics Committee consists of two co-chair(s) and a membership that includes representation from, administration, multidisciplinary clinicians from across divisions, physician(s), spiritual care and patient/family partners(2), with the guidance and support of a Clinical Ethicist from the Nova Scotia Health Ethics Network (NSHEN). Membership will represent various geographical locations across Health PEI. Ad hoc members may be invited to join for their specific expertise as may be necessary. This may include legal, clinical or researcher perspectives. Consults are convened with available membership inclusive of the NSHEN Ethicist.

Process to Resolve an Ethical Dilemma using the Ethics Committee

1. Once a consult request is received by the Clinical & Organizational Ethics Committee, the co-chair(s) or designate will then request a meeting with the Requestor(s) to gather pertinent information pertaining to the consult. The information gathering may be accomplished by meeting in person, by telephone conference, or by email. This information will be provided to the Clinical & Organizational Ethics Committee members during the consultation.
2. The Clinical & Organizational Ethics Committee, together with an Ethicist from NSHEN, will analyze the dilemma against the Ethical Decision-Making Framework and provide *recommendation(s)* to help resolve the dilemma. All members of the Clinical & Organization Ethics Committee will have an opportunity to provide input on the consult requested using a standard case consultation process.
3. Any member of the Clinical & Organizational Ethics Committee who has a conflict of interest (personal or otherwise) with a consult being considered will withdraw themselves from participating in deliberations.

4. Consult recommendations will be provided to the Requestor(s) by way of an Ethical Report. The Ethical Report will be completed by the Ethicist from NSHEN and signed. The consultation will be reviewed for feedback by the participating committee members with final approval from the co-chair(s) prior to sharing with the Requestor(s). The Ethicist will be sent notes from the consultation taken by the administrative support person during the consult. The Clinical & Organizational Ethics Committee provides recommendations for ethical consideration; the decision to accept the recommendation(s) rests with the individual or the team requesting the consult. (Note: the Ethical Report is a confidential document that belongs to the Clinical & Organizational Ethics Committee, and cannot be shared without specific authorization from the Clinical & Organization Ethics Committee. The content of the report can be discussed among the team members requesting the consult and for decision-making purposes, but the report cannot be shared or forwarded.)

For clinical issues: Recommendations may include staff training/education, scheduling suggestions, review of relevant policies, obtaining advice from another perspective, e.g. human resources, legal, clinical specialist, etc.

For organizational issues: The Clinical & Organizational Ethics Committee may make recommendations on ethical issues in the evaluation and formulation of policies, and may be a resource in the process of evaluating policies, procedures, rules and regulations that have ethical considerations.

APPENDIX A
Ethical Decision-Making Clinical Criteria

Clinical Application - Ethical Decision-making CRITERIA⁴	
<p>Medical Indications</p> <p>Consider each medical condition and its proposed treatment.</p> <p>Ask the following question:</p> <ul style="list-style-type: none"> • Does it fulfill the goals of care? • What is the probability of success? 	<p>Patient Preferences</p> <p>Address the following:</p> <ul style="list-style-type: none"> • What are the patient's wishes? • Does the patient have the capacity to decide? Y/N • If not, who is the substitute decision maker of the patient? • Do the patient's wishes reflect a process that is: <ul style="list-style-type: none"> • Informed? Understood? Voluntary?
<p>Quality of Life</p> <ul style="list-style-type: none"> • Describe the patient's quality of life in his/her terms. • What is the patient's expectation of the probable outcome? • What are the views of the care providers about the patient's quality of life? 	<p>Contextual Features</p> <p>Social, cultural, religious, legal, economic and institutional circumstances in the case that can:</p> <ul style="list-style-type: none"> • Influence the decision • Be influenced by the decision (e.g. inability to pay for treatment, inadequate social support, family dynamics, etc.)

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Clinical Application – Ethical Decision-Making Data Guiding Question Tool⁵

Some questions to help guide discussion around gathering the information:

Medical Indications

1. What is patient's medical problem? History? Diagnosis? Prognosis?
2. Is the problem acute? Chronic? Critical? Emergent? Reversible?
3. What are the goals of the treatment?
4. What are the probabilities of success?
5. What are plans in case of therapeutic failure?
6. In sum, how can this patient be benefited by medical and nursing care, and how can harm avoided?

Patient Preferences

1. What has the patient expressed about preferences for treatment?
2. Has the patient been informed of benefits and risks, understood, and given consent?
3. Is patient mentally capable and legally competent? What is the evidence of incapacity?
4. Has the patient expressed prior preferences? (e.g. Health Care Directive or Advance Care Plan).
5. If incapacitated, who is the appropriate substitute decision maker? (see Section 11 of PEI *Consent to Treatment And Health Care Directives Act*) Is the substitute decision maker using appropriate standards?
6. Is the patient unwilling or unable to cooperate with medical treatment? If so, why?
7. In sum, is patient's right to choose being respected to extent possible in ethics and law?

Quality of Life

1. What are the prospects with or without treatment, for a return to the patient's normal life?
2. Are there biases that might prejudice provider's evaluation of patient's quality of life?

⁵ Adapted from Jonsen, A., Siegler, M., and Winslade, W. (2006), *Clinical Ethics: A Practical Approach to Ethical Decision in Clinical Medicine* (6th ed.) New York: McGraw-Hill

3. What physical, mental, and social deficits is the patient likely to experience if treatment succeeds?
4. Is the patient's present or future condition such that continued life might be judged undesirable by them?
5. Is there a plan and rationale to forgo treatment?
6. What plans are there for comfort and palliative care?

Contextual Features

1. Are there family issues that might influence treatment decisions?
2. Are there provider (physicians and nurses) issues that might influence treatment decisions?
3. Are there financial and economic factors?
4. Are there religious, cultural factors?
5. Is there justification to share relevant Personal Health Information?
6. Are there problems of allocation of resources?
7. What are the legal implications of the treatment decisions?
8. Is clinical research or teaching involved?
9. Any provider or institutional conflict of interest?

Ethical Decision-Making Worksheet⁶ - **Clinical**

(Completed form can also be used to request a consult from the Clinical and Organizational Ethics Committee)

Explore

1. Identify the Issue(s).	
2. Gather the information and facts (as outlined in the criteria).	
Medical Indications	Patient/Client/Resident Preferences
Quality of Life	Contextual Features

Discuss

1. Consider <u>all</u> options based on ethical principles and organizational values.

⁶ Adapted from the Worksheet created by Georgina D. Campelia, PhD., University of Washington School of Medicine, from the University of Washington School of Medicine, Dept. of Bioethics and Humanities website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools> ©University of Washington 2018

Act

2. Identify the Recommendations(s)
3. Evaluate the outcome(s): What recommendations were implemented? How will the results be measured?

APPENDIX B

Ethical Decision-Making **Organizational** Criteria

Organizational Application - Ethical Decision-making CRITERIA⁷	
<p>External Environment</p> <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> Political Economic Social Technological </div> <div style="font-size: 3em; margin-right: 10px;">}</div> <div> Consider each of these aspects in identifying the issue(s) and as you analyze the options </div> </div> <p>Governance Context How are the issues and analysis congruent and impacted by: the direction of Government, the strategic plan, laws and politics?</p>	<p>Service, Quality and Performance</p> <ul style="list-style-type: none"> • What are the patient/organizational outcomes? • Does it enhance or undermine quality and risk issues? • Does this affect efficiency? • Are we using resources properly?
<p>Integrity</p> <ul style="list-style-type: none"> • Does this impact work life? Workload? Relationships? Communication? • What is the overall wellness of the person? The system? • Does this enhance retention? • What are the financial implications? 	<p>Values and Ethics</p> <p>In what way(s) is this consistent with or compromise:</p> <ul style="list-style-type: none"> • The organization's values • Ethical theories and principles • Personal integrity

⁷ Adapted from the four-box method developed by AR Jonsen, M. Siegler, W. Winslade, *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine*, 7th Edition, New York: McGraw-Hill 2010, and discussed on the University of Washington School of Medicine website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools>

Some questions to help guide discussion around gathering the information:

External Environment

1. Are there any political, economic, social and technological impacts with this issue(s)?
2. Is the issue impacted by legislation? Strategic planning? Or Government?

Service, Quality and Performance

1. What are the patient/ family and organizational expected outcomes?
2. Does the issue enhance or undermine quality and risk issues or patient care?
3. Does this issue impact efficiency?
4. Does this issue impact the way resources are utilized?

Integrity

1. Does this issue impact work life? Relationships? Communication?
2. What is the overall wellness of the person? The system?
3. Does this issue enhance retention?
4. What are the financial implications?

Values and Ethics

1. Is this issue consistent or compromise Health PEI's values?
2. Is this issue consistent or compromise Ethical Theories and Principles?
3. Does this issue impact personal integrity of employees or physicians?

Ethical Decision-Making Worksheet⁸ – Organizational
(Completed form can also be used to request a consult from the Clinical and Organizational Ethics Committee)

Explore

1. Identify the Issue(s).	
2. Gather the information and facts (as outlined in the CRITERIA).	
External Environment	Service Quality Performance
Integrity	Values and Ethics

Discuss

3. What are the options?

⁸ Adapted from the Worksheet created by Georgina D. Campelia, PhD., University of Washington School of Medicine, from the University of Washington School of Medicine, Dept. of Bioethics and Humanities website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools> ©University of Washington 2018

Act

4. Identify the Recommendations(s)

5. Implementation: Who Leads?

Who needs to know?

What are the results?

How will the results be measured?

APPENDIX C
ETHICS CONSULT REQUESTOR FORM

CONFIDENTIAL

Consultation #: For office use only

Clinical Guidelines http://www.gov.pe.ca/photos/original/mrc_clin_eth_gd.pdf

☐ **Within 3 business days** ☐ **3-10 business days** ☐ **Within 3 weeks**

Person making the request: ☐ **Health Care Provider** ☐ **Health Care Team (group)**

☐ **Leadership/Management/Board**

Identify the Issue(s).

Consultation requested by (Dept./Division)	Date of Request for Consultation	Requestor Contact Number/Email
Patient and/or family members notified of consult	Yes	No

REFERENCES

¹ Taken from the “Ethics in Action Workshop” sponsored by Accreditation Canada in Halifax, Nova Scotia (November 16-17, 2015)

^{2,3,4,7} Adapted from the four-box method developed by AR Jonsen, M. Siegler, W. Winslade, *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine*, 7th Edition, New York: McGraw-Hill 2010, and discussed on the University of Washington School of Medicine website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools>

⁵ Adapted from Jonsen, A., Siegler, M., and Winslade, W. (2006), *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine* (6th ed.) New York: McGraw-Hill

^{6, 8} Adapted from the Worksheet created by Georgina D. Campelia, PhD., University of Washington School of Medicine, from the University of Washington School of Medicine, Dept. of Bioethics and Humanities website at: <https://depts.washington.edu/bhdept/ethcs-medicine/bioethics-tools> ©University of Washington 2018