

Fall 2009

The Transition Times

HELPING YOU NAVIGATE CHANGE



Ethics

The Grey Issue

A patient asks you to critique another prescriber's recommendations or to provide information on a topic about which you have an ethical conflict.

What do you do?

You are a home health care pharmacist. Your patient, a likable, cooperative man who struggles to live on a low fixed income, asks you to positively present questionable information on the efficacy of his drug therapy to support his insurance claim. **What do you do?**

You notice that your pharmacist co-worker consistently offers inferior service to non-Caucasian patients. In some instances, you feel the counselling, or lack thereof, may pose a safety risk to the patient. **What do you do?**

You are just starting the last hour of your shift in what has been a very long day. Not only have you had your regular load of scripts to fill, but every second patient wants to talk with you about every sniffle and cough they've had, or their children have had, or the person they sat next to on the bus had. On top of that,

you're training a new technician, so things aren't flowing quite as you would like. And then you spot her.

A middle-aged woman, slightly unkempt, is approaching the counter. She has a pronounced limp and grimaces slightly with each step. Every few steps, she glances back at a man waiting outside the pharmacy. She's digging through her bag, leaving crumpled pieces of paper and candy wrappers in her wake. As she approaches the counter, she triumphantly produces a prescription – for 200 tablets of OxyContin. Immediately, your suspicions are aroused. **What do you do?**

Now, what if you knew...

- The man outside was the woman's husband. He doesn't want to come in because he is embarrassed by his poor English skills and is afraid you will want to ask him questions.
- The woman was your sister's friend. Would that change your decision? Why?

alberta college of
pharmacists



No easy answers

Human beings are complex. We are unpredictable, sometimes irrational, and constantly evolving.

Our healthcare systems are very complex. Stress, professional turf protection, and worries over legal liability affect the actions of all health professionals.

The shift toward a more patient-centered practice of pharmacy is presenting pharmacists with a variety of new challenges. Expanding patient contact has resulted in improved patient care.

However, patient-centered practices require new, closer relationship with patients which potentially introduce new ethical dilemmas.

“A prerequisite for the provision of pharmaceutical care is the development of an ethical covenant between the pharmacist and patient. The function of this ethical covenant is a shared responsibility for positive drug outcomes between the pharmacist and patient. From an ethical standpoint, it is not enough for

the pharmacist to assume that he or she knows what the patient’s best interests are; the patient must provide input and be part of the decision making process”.¹

Unfortunately, all of this means that there are no easy answers when it comes to ethics. There aren’t even many black-and-white yes or no answers. The world of ethics truly is grey. Each situation is unique, with its own intricate web of details, influences, unknowns, and possibilities.



The most important persuasion tool you have in your entire arsenal is integrity.

Zig Ziglar

There is help!

Fortunately, there are resources and practices to help you navigate this grey world of ethics and make decisions that serve you, your patients, and the profession well.

Ethics are the foundation for professional behaviour, actions and attitudes. As professionals, pharmacists are challenged and expected to abide by a higher standard of conduct. Pharmacy practitioners enjoy a special trust and authority based on the profession’s commitment to a code of ethical behavior. Patients put their trust in you from your first meeting. They expect you to always put their interests first. Any violation of this trust will have a negative impact on you and the profession.

Ethics must be established as early as possible in pharmacy study since they set the foundation and context for all other subject matter. However, ethics is a learned subject that evolves as you amass experience. It’s important to review your own ethics from time to time and evaluate how you make decisions about ethical subjects.

To begin the review, let’s first discuss what ethics is and is not.

¹ Bergen B.A., “Building an effective therapeutic alliance: Competence, trustworthiness, and caring,” *Am. J. Hosp. Pharm.*, 50, 2399-2403(1993).

What is ethics?

Simply stated, ethics refer to standards of behavior that tell us how human beings ought to act in the many situations in which they find themselves.

It is also helpful to identify what ethics is NOT:

■ **Ethics is not the same as feelings.**

Feelings provide important information for our ethical choices. Some people feel bad when they do something wrong, but many people feel good even though they are doing something wrong. And often our feelings will tell us it is uncomfortable to do the right thing if it is hard.

■ **Ethics is not religion.** Many people are not religious, but ethics applies to everyone. Most religions do advocate high ethical standards but sometimes do not address all the types of problems we face.

■ **Ethics is not following the law.** A good system of law does incorporate many ethical standards, but law can deviate from what is ethical. Law can become ethically corrupt, as some totalitarian regimes have made it. Law can be a function of power alone and designed to serve the interests of narrow groups. Law may have a difficult time designing or enforcing standards in some important areas, and may be slow to address new problems.

■ **Ethics is not following culturally accepted norms.** Some cultures are quite ethical, but others become corrupt. "When in Rome, do as the Romans do" is not a satisfactory ethical standard.

■ **Ethics is not science.** Social and natural science can provide important data to help us make better ethical choices. But science alone does not tell us what we ought to do. Science may provide an explanation for what humans are like. But ethics provides reasons for how humans ought to act. And just because something is scientifically or technologically possible, it may not be ethical to do it.²



The three fundamentals of ethical decision making

The foundation of ethical decision making is based on three fundamental assumptions. While the profession's Code of Ethics is the ethical foundation, it cannot be read or applied in isolation. Every pharmacist must have sound knowledge of:

- 1) the ethical principles and values of the profession,
- 2) the profession's legal framework, and
- 3) the professional code of ethics.

Ethical principles and values of the profession

Traditionally, honesty, dedication, carefulness, dependability, and fairness have been considered values essential to good pharmacy practice. They still are.

Three values universally important in health care, altruism (a concern for the welfare of others), equality, and justice, are also critical for good pharmacy practice.³

All of these values have been upheld over centuries and have built the foundation that today allows pharmacists to be regarded by the public as one of the most trusted professions. Recognizing this, ACP has adopted these principles in their values.

ACP Values

The Alberta College of Pharmacists values:

- 1) the health, safety and well-being of Albertans
- 2) professional and ethical conduct in all we do
- 3) transparent expectations and processes
- 4) accountability for decisions and actions
- 5) collaboration and partnerships
- 6) innovation and creativity in fulfilling our mission
- 7) a positive culture and working environment for our employees

These values guide both the college's work with and aspirations for the pharmacy profession in Alberta.

² Velasquez, M. et al, Framework for Ethical Decision Making, Markkula Center for Applied Ethics, Santa Clara University, www.scu.edu/ethics/practicing/decision/framework.html

³ Buerki, Robert A. and Vottero, Louis D., Foundations of Ethical Pharmacy Practice, American Institute of the History of Pharmacy, Madison, WI, 2008

The profession's legal framework

The legal framework for pharmacy in Alberta consists of a number of legislative and regulatory documents. Core to these are the *Health Professions Act*, the *Pharmacy and Drug Act*, the regulations and standards made under those Acts, and other provincial and federal legislation relating to drugs, and provincial and federal privacy legislation.

Provincial regulatory information is given through the two sets of standards set by ACP: Standards for Pharmacist Practice and Standards for Operating Licensed Pharmacies

The professional Code of Ethics

On May 22, 2009, the Alberta College of Pharmacists brought into effect a new Code of Ethics for pharmacy practice in Alberta. The Code was updated to encompass current pharmacy practice and anticipate future developments. It is comprised of an overarching summary and 12 supporting principles.

ACP Code of Ethics

Pharmacists and pharmacy technicians use their knowledge, skills and resources to

- serve patients,
- contribute to society, and
- act as stewards of their professions.

As a pharmacist or as a pharmacy technician, I must:

- I. *Hold the well-being of each patient to be my primary consideration*
- II. *Respect each patient's autonomy and dignity*
- III. *Maintain a professional relationship with each patient*
- IV. *Respect each patient's right to confidentiality*
- V. *Respect each patient's right to health care*
- VI. *Advance public health and prevent disease*
- VII. *Use health resources responsibly*
- VIII. *Serve as an essential health resource*

- IX. *Ensure that I am competent*
- X. *Act with honesty and integrity*
- XI. *Demonstrate responsibility for self and other health professionals*
- XII. *Nurture the profession*

Along with each principle is a list of actions by which pharmacists and pharmacy technicians will uphold it in practice. You can find the full Code of Ethics on the ACP website under *Pharmacists Resources/Code of Ethics*.

Learn early, review often

All first-year pharmacy students recite and sign the code at the White Coat

Ceremony each January. It is important that students have this ethical context in which to place the rest of their studies.

While instilling the importance of ethics early is critical, it is equally important that each pharmacy professional revisit his or her ethical framework from time to time. Why? Your readiness to learn may have changed since your student days. Ethics as theory is very different than ethics in a situation where you feel personal and professional responsibility and vulnerability. Your attitudes and assumptions also change as your life experience grows. What was once black and white may become a shade of grey.



Students reciting the ACP Code of Ethics at the White Coat ceremony.

Make time to review the rules of the profession, understand your own assumptions and prejudices, and set your boundaries so that you are ready before you are plunged into a challenging situation.

Seven steps to ethical decision making

Now you know the three foundations for ethical decision making: the profession's principles and values, legal framework, and code of ethics. To resolve an ethical dilemma you can then adopt a model, based on objectivity and critical thinking, which can be summarized in the following steps:⁴

1 Get the facts

Establish the technical facts, risks, and people involved. What don't you know? Can you learn more about the situation? Is it, in fact, an ethics question? The other person may perceive no ethical conflict and thus not understand your hesitance.

2 Identify ethics parameters

What ethical principles are involved? An ethical dilemma is usually caused by two or more conflicting ethical principles: what are they? Also keep in mind that problems seen as ethical in nature are often problems of miscommunication,

failure of trust or management dilemmas in disguise. Therefore, you need to clarify whether the problem is an ethical one or one of another sort.

3 Identify legal parameters

Are there any legal constraints to the scenario? Also ask, "Is this issue more about what is legal or what is most efficient?" That answer could clarify what your next step needs to be.

4 Develop options for action

Establish a list of alternative actions (i.e., possible solutions) for each dilemma. This is in the spirit of thoroughness rather than an academic exercise! Informed ethical decision-making promotes informed choices rather than instinctive reasoning based on urgency.

5 Evaluate alternative actions

Identify relevant ethical principles for each alternative. Mutually exclusive alternatives

often reveal competing ethical principles associated with each solution. Recognize the ethical assumptions that may be related to each alternative as well.

To help with your evaluation, ask yourself:

- Which option will produce the most good and do the least harm?
- Which option best respects the rights of all who have a stake?
- Which option treats people equally or proportionately?
- Which option best serves the community as a whole?
- Which option leads me to act as the sort of person I want to be?

For each alternative solution, expand the field of enquiry to anticipate any emerging issues.

6 Make a decision and test it

Ask yourself, "Why did I make this particular decision?" You must be able to identify the specific foundation of your decision with reasons that are relevant and sufficiently convincing in application to the case.

A good test of your defense is the **Red Face Test** which basically asks you to imagine yourself faced with the popular media at your doorstep the morning after making your decision. What would you say? Can you justify your decision with confidence? If media is not a concern for you, ask yourself if you would be proud to tell your mother or your best friend of your actions.

7 Act and reflect on the outcome

Find a way to implement your decision with the greatest care and attention to the concerns of all stakeholders. Once you have taken action, observe the resulting sequence of events and ask, "How did my decision turn out and what have I learned from this specific situation?"



⁴ This list includes material from two sources: Chaar, Betty, Decisions, decisions: ethical dilemmas in practice, Australian Pharmacist, Volume 25, Number 6, June 2006; Velasquez, M. et al, Framework for Ethical Decision Making, Markkula Center for Applied Ethics, Santa Clara University, www.scu.edu/ethics/practicing/decision/framework.html

Ethical decision making = “professional judgement”

Throughout your education and in various practice settings, you will have been asked to use your “professional judgement.” In fact, in Standards 4 and 7 of the Standards for Pharmacist Practice, the use of professional judgement is a required element. So what does that really mean?

A good description of professional judgement is given by the Royal Pharmaceutical Society of Great Britain:

The exercise of professional judgement requires identification and evaluation of the risks and benefits associated with possible courses of action. On occasions there may not be a right or wrong answer. Different people may reach different decisions on a single set of circumstances and each may be justifiable.

Many of the issues pharmacists are called upon to resolve are unambiguous and the decision will be obvious. However when faced with ethical dilemmas, pharmacists are expected to use their professional judgement in deciding the most appropriate course of action. They must be able to justify their decisions to their peers and to any person or organization which may be affected by their actions, including individual patients, the public, the National Service [in Alberta, the college], their employers, and other health care professionals. Pharmacists may be accountable to any of these.

Summary

In making a decision that requires professional judgement, several courses of action are available.

You must choose one, be able to justify it, and be responsible for that choice.

You now have the tools to make that choice using the seven steps for ethical decision making.

Putting it into practice

Let’s test the seven-step decision-making process by using it for one of the scenarios from the front page. This example by no means takes every possibility into account, but it will give a feel for the type of consideration that will help you arrive at an ethically sound choice.

SCENARIO:

A patient, Glen, asks you to critique another prescriber’s recommendations.

What do you do?

1 Get the facts

Establish the technical facts, risks, and people involved.

Why does Glen want your opinion? He may want ammunition for his personal grudge against the other professional, but he may just as well be worried about side effects or compliance or he may simply want assurance.

At risk are Glen’s health, his relationship with you and the other health care provider, and your relationship with the other prescriber. Negative comments or interpretations in an area where you have little knowledge may deter Glen from what could be a positive therapy and may also negatively impact your reputation and that of your pharmacy and the profession.

2 Identify ethics parameters

Is this truly an ethical problem?

First, confirm if Glen is just asking for reassurance or clarification (which would reveal a communication issue) or, in fact, is seeking agreement about how inappropriate the recommendations are (which would make it an ethics issue). If it is an ethics issue, you must consider Glen’s value of personal autonomy along with the profession’s values of ethical conduct, accountability for actions, collaboration and partnership.

3 Define legal parameters

Are there any legal constraints to the scenario?

The Standards for Pharmacist Practice direct that you must act professionally and ensure that each patient’s drug therapy is appropriate.

The Code of Ethics says you must properly inform each patient about drug therapy and reasonable alternatives⁵ and challenge the judgment of colleagues and other health or social care professionals if you have reason to believe that their decisions could compromise the safety or care of others.⁶

However, it also directs you to restrict your practice within the limitations of your personal competence,⁷ maintain professional relationships with colleagues and other health care professionals⁸ and to actively seek out information to make informed decisions.⁹ In this case, seeking out information may not only involve looking to texts or online resources, but contacting the other prescriber to inquire as to why they had chosen a particular type of therapy.

In an extreme case, a slander or liable charge could result from your comments.

4 Develop options for action and

5 Evaluate alternative actions

In this case you could:

- a) Refuse to comment on the recommendations.

Defense:

You can’t speak for another prescriber’s reasoning. You were not there to hear the discussions Glen and this person had and thus do not have enough information to comment.

Emerging problems:

- i) You do not get to the root of Glen’s concerns and do not uncover the fact

5 ACP Code of Ethics, Principle 2.4

6 ACP Code of Ethics, Principle 11.7

7 ACP Code of Ethics, Principle 9.6

8 ACP Code of Ethics, Principle 12.2

9 ACP Code of Ethics, Principle 1.3



that he doesn't feel he can comply with the regimen. Glen's therapy is compromised because he does not take the medication as directed.

ii) Glen perceives your unwillingness to comment as a lack of concern for his health and moves his business to another pharmacy.

- b) Provide some "top of mind" comments to Glen.

Defense:

You have some knowledge of this area and feel that this action will be seen by Glen as cooperating with another health professional to help him reach his health care goals.¹⁰

Emerging problems:

- i) Glen perceives your quick response as a "brush off."
 ii) The therapy may not be the most effective for Glen, but lack of research means you didn't catch this.
- c) Say that you need time to think about it and ask Glen to come back to discuss it later. In that time, you could research, contact the other prescriber,

and formulate your answer.

Defense:

Glen's autonomy and right to make an informed decision. Your ethical responsibility to actively seek out information to make informed decisions. You want to keep Glen as a patient.

Emerging problems:

Glen questions why you can't answer right away and begins to doubt your competence. You have to take time to research.

- d) Take the opportunity to vent about a prescriber that has often frustrated you.

Defense:

No good one; this is completely unprofessional and unethical.

Emerging problems:

Loss of credibility and trust with Glen, your colleagues, and the other prescriber. Damage to the reputation of the profession.

6 Make a decision and test it

Apply the Red Face Test.

You decide to say that you need time to think about it and ask Glen to come back to discuss it later. You research the recommendation, but, as you weigh time against results, decide not to contact the other prescriber. You feel confident that you have learned enough about the issue to give Glen reliable feedback.

Imagining the media was on your doorstep, you feel comfortable justifying your decision.

7 Act and reflect on the outcome

Implement your decision with care and then evaluate.

When Glen returns, you share your research and feedback with him. You also make it clear that if he is uncertain as to why he received the recommendations or is now uncomfortable with them, he should discuss this with the other professional.

¹⁰ ACP Code of Ethics, Principle 1.14

What do you think?

Have you run into an ethically challenging situation? Do you have an ethical question you'd like some advice on? Are you looking for resources to ensure your practice is on the right path?

If you answer yes to any of these questions, we'd like to hear from you. Over the next year, as part of the introduction of the new Code of Ethics, ACP will run an ethics column in *acpnews*.

Please send your comments, questions, and stories to:

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Fax: 780-990-0328

No identifying information will be used in the articles.

Finding the ACP Code of Ethics

You can view the ACP Code of Ethics on ACP website under *Pharmacist Resources/Code of Ethics*.

If you would like a Code of Ethics booklet or poster, please email acpinfo@pharmacists.ab.ca or call ACP at 780-990-0328 or toll free at 877-227-3838.



And the final word goes to Mark Twain:

*Always do right—this will gratify some
and astonish the rest.*

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