



Health Workforce Initiative

Hi-Touch Healthcare: The Critical Six Soft Skills

Grab-N-Go Independent Training Module:

Ethics in Healthcare and HIPAA

HEALTH WORKFORCE INITIATIVE STATEWIDE ADVISORY COMMITTEE, CALIFORNIA
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Ethics in Healthcare and HIPAA

Background Information

Ethics play a role in every industry. In fact, we all make small ethical decisions on a daily basis. The World Health Organization states, “Ethics is concerned with moral principles, values, and standards of conduct.”¹ Healthcare ethics are a group of moral ideals and beliefs that act as a guide in making choices about medical care. These moral ideals and beliefs include the health care worker’s sense of right and wrong *and* the patient’s personal set of ethics.

In the healthcare industry, each role has different responsibilities in a given situation. No matter the specific role of the healthcare worker, each must follow four main principles. The first principle is Autonomy. Autonomy requires that we each honor an individual’s right to make his/her own decisions, and, when possible, to empower them to do so. As such, healthcare workers must not shade their instructions one way or the other. Health care workers are responsible for creating conditions that allow a patient to make an autonomous decision. The second principle is beneficence. Beneficence means to help the patient advance his/her own good. This includes acting with charity, mercy, and kindness, including doing good to others. Third is nonmaleficence. The simple definition of nonmaleficence is to do no harm. It is important to note, however that modern technology can create contradictions to this principle. Often times advanced technology is used to extend



the life of an individual; yet, one must wonder whether or not the technology is doing more harm than good.ⁱⁱ

With these guiding principles in mind, there are several common types of ethical dilemmas. First, healthcare workers often confront situations where no absolute right or wrong answer exists. These are ethical dilemmas without definitive proof or clear answers. Each side of the dilemma could be successfully argued, and individuals would be split along both sides of the debate. Another type of ethical dilemma is when both sides have merit. This ethical dilemma often goes hand in hand with no absolute right or wrong answer. It becomes increasingly difficult to be absolutely persuaded to one side of the dilemma because the other “side” also has merit. Finally, ethical dilemmas often reside outside the scope of written law. Dilemmas are more easily resolved when the legal system has taken a stance. Without legal stance, the dilemma becomes muddied.

Consistent application of ethical principles is essential in healthcare. Because emotional reactions are natural and can quickly cloud our judgement, healthcare professionals must intentionally use guiding principles, especially during crisis or intense situations. This module will focus on the ethical challenges encountered in the healthcare industry and provide opportunities to practice and apply ethical principles.



Training



Goal: Participants will learn the basics principles of healthcare ethics.

WIIFM: What's in it for me? Understanding and implementing ethical guidelines is essential to effective healthcare. This session reviews the guiding principles of healthcare ethics and offers practice implementation in a variety of scenarios.



Materials Provided:

1. Ethics in Healthcare Module PowerPoint
2. Activity #1 - “Ranking Professions”
3. Activity #2 - “Ethical Donut”
4. Activity #3 - “Thought Shower”
5. “Thought Shower Discussion Topics”
6. Activity #4 – “Head or Heart - What about Thomas?”
7. Optional Case Studies with discussion questions
8. HIPPA Quiz
9. HIPPA Quiz answers



Directions for the Trainer: Activity preparation information is included in this document and/or within the PowerPoint presentation notes. Each PowerPoint slide, as appropriate, includes detailed explanations and instructions for the trainer. As with all Grab-N-Go Modules, you can use it all for a more detailed training, *or simply use one or two of the many activities—a la carte style!*



ACTIVITY #1

“Ranking Professionals”



Goal: To help participants explore factors that influence individual conceptions of trust.



Materials Needed (quantities vary by group size):

- Blank piece of paper for each participant
- Pen or pencil for each participant
- PowerPoint Slide #5



Procedures:

1. Give each person a piece of paper and a pencil/pen.
2. Show the “Ranking Professionals By Level of Trust” slide (ppt slide 5) and have participants rank the listed professions in order of most trust to least trust.
3. Pair: Have participants pair up and compare lists. Discuss what beliefs, stereotypes, and personal experiences may have influenced the chosen order of each participant. What does the ranking process reveal about each participant’s conception of trust?
4. Square: Group participants into two groups of pairs (four participants). Compare and explain why they chose their particular order of professions. What trends or patterns are revealed about the ranking process? What do these trends/patterns reveal about the conception of trust?
5. Report out: Have one participant from each group report an outstanding reason of why the professions were ranked in a particular order or what the group learned about where the idea of trust may develop.



ACTIVITY #2

“Ethical Donut”



Goal: To help participants articulate their position on a variety of ethical dilemmas and hear other points of view without triggering debate.



Materials Needed:

- An area large enough to for two circles, one inside the other.
- PowerPoint Slide #7



Procedures:

1. Have participants make two circles with pairs facing each other. The pairs will dialogue for 1 minute on a question listed below then the outer circle will shift clockwise two people so that new pairs are formed again. The inner circle remains as is and does not move. After discussion of the next question, the out circle will again rotate two spots clockwise while the inner circle does not move. Repeat a third and fourth time if time permits.

One minute discussion topics: Moral question ideas (Trainer--pick questions based on your audience and goals, or, create questions that work for your own training needs):

- Do animals have rights?
- Should we experiment on animals?
- Should we place a limit on how many children a couple can have?
- Should sex selection be allowed so parents can pick male or female children?
- How would you solve the food shortage problem in the world?



ACTIVITY #3

“Thought Shower”



Goal: To allow participants to see gaps in their own thinking as well as the thinking of their peers.



Materials Needed:

- Large piece of poster board or paper for each group of five participants
- A different colored writing utensil for each group
- PowerPoint Slide #10

Planning Note: Have the poster boards either lying on tables spread out throughout the room or hanging on the walls throughout the room.



Procedures:

1. Have participants divide into groups of no more than five.
2. Provide a different color pen for each group.
3. Hang a large piece of paper or poster board on the wall or place on a tables throughout the room.
4. Explain that a challenging situation will be stated and that participants should then write down as many ideas as possible about how to improve the challenging situation.
5. No judgement zone: Remind participants that any and all ideas should be written down without fear of judgement.
6. Read one of the following situations or make one up that better fits the group or your training purpose. Sample situations are listed immediately following directions for this activity.
7. After 5 minutes of brainstorming, announce “change” and have the groups move to a different group’s paper.
8. Ask the group to add ideas to the previous group’s poster.
9. After 5 minutes, announce “change” and have the groups change again with the same purpose.
10. Do the changing as many times as time allows or until each group has visited all posters.
11. As a conclusion review trends and patterns and look for factors that influenced their ideas.



ACTIVITY #3

“Thought Shower”

Sample Situations or Questions that can be used for “Thought Shower” Activity

1. Under what conditions should we remove life-sustaining treatment from a patient in a coma? List all of the factors that should be considered when making this type of decision.
2. How do we hold people responsible for a trashy environment? For example, should students be rewarded for picking up trash on school grounds? Should those that litter be punished? How? Or, you may want to revise this question to focus on work environments in health care settings.
3. How do we deal with the increasing complexity of advancements in cloning capabilities? Some questions to consider: Can you describe any examples of cloning? Negative and positive implications? How do we create regulatory boundaries? Where do we begin?
4. How should the medical profession approach recreational drug use? Some questions to consider: Do you see anything wrong with using drugs if they enhance our ability to focus or improve our mood? What do you think society would be like if drug enhancement became the norm?
5. How do you feel about smoking cigarettes? Should health resources be reduced to treat a smoking related disease if someone chooses to smoke his/her entire life?



ACTIVITY #4

“Head or Heart - What about Thomas?”



Goal: To help participants evaluate themselves to determine whether they are answering ethical dilemmas with their head or with their heart. The point of this exercise is to help participants examine and determine their ability to avoid emotional reactions and to intentionally use ethical principles to guide their interactions.



Materials Needed:

- The slides in the PowerPoint that present the case.
- PowerPoint Slide #16



Procedures:

1. Present the case on the PowerPoint – Slides #16 -21.
2. Slide 22 gives instructions for the participants.
 - a. Caution – don’t let this turn into a debate about who is right and who is wrong. Remind the participants that this is an exercise in self-discovery of how they make decisions.
3. Present the ten questions on Slides #23 -26.
4. Close by asking the following questions –
 - a. Was your answer the same whether you answered with your head or with your heart?
 - b. Could you differentiate between making a decision with your head vs your heart?
 - c. When was it hard to keep your heart of the decision at hand?



Case Study # 1

A woman enters the emergency room with stomach pain. She undergoes a CT scan and is diagnosed with an abdominal aortic aneurysm, a weakening in the wall of the aorta which causes it to stretch and bulge. The physician informs her that the only way to fix the problem is surgically, and that the chances of survival are about 50/50. They also inform her that time is of the essence and that should the aneurysm burst, she would be dead in a few short minutes. The woman is a model and she worries that the surgery will leave a scar that will negatively affect her work; therefore, she refuses any surgical treatment. Even after much pressuring from the physician, she adamantly refuses surgery. Feeling that the woman is not in her correct state of mind and knowing that time is of the essence, the surgeon decides to perform the procedure without consent. She is anesthetized and the surgeon repairs the aneurysm. She survives, and sues the hospital for 10 million dollars.

Questions for thought:

1. In what ways can the physician's actions be justified?
2. What else could the physician have done?
3. Under what conditions is it ethically justified to take away someone's autonomy?
4. What would you do if you were one of the healthcare workers?



Case Study # 2

A woman was diagnosed with motor neuron disease five years ago. This is a condition that destroys motor nerves, making control of movement impossible, yet the mind is virtually unaffected. Because of the inability of the inspiratory muscles to contract, people with motor neuron disease normally die from suffocation within four years of diagnosis. While she has outlived most people in similar circumstances, the woman's condition has steadily declined. She is not expected to live through the month and is worried about the pain that she will face in her final hours. She asks her doctor to give her diamorphine for pain if she begins to suffocate or choke. This will lessen her pain, but it will also hasten her death. About a week later, she falls very ill and is having trouble breathing.

Questions for thought:

1. Does she have a right to make this choice, especially in view of the fact that she will be dead in a short while?
2. Is the predicted time of life ethically relevant? Is there an ethical difference between dying in six hours and dying in a week, or a year? Where is the line?
3. Is the right of the patient to choose powerful enough to create obligations on the part of others to aid her so that she can exercise her right to die? She cannot move, so she cannot kill herself. Should someone be FORCED to help her?
4. If you were the physician, what would you do? Why?



HIPAA QUIZ - ANSWERS

1. What kind of personally identifiable health information is protected by HIPAA privacy rules:
 - A. Paper
 - B. Electronic
 - C. The spoken word
 - D. All of the above
 - E. None of the above
2. If you suspect someone is violating the facility's privacy policy, you should –
 - A. Say nothing. It is none of your business.
 - B. Watch the individual involved until you have gathered solid evidence against him or her.
 - C. Report your suspicions to your supervisor for further follow-up.
3. HIPPA security and privacy regulations apply to –
 - A. Attending physicians, nurses, and other healthcare professionals
 - B. Health information managers, information systems staff, and other ancillary personnel only
 - C. Anyone working in the facility
 - D. Only staff that have direct patient contact
4. It would be appropriate to release patient information to –
 - A. The patient's non-attending brother that is a physician
 - B. Personnel from the hospital the patient transferred from 2 days ago, who is calling to check on the patient
 - C. The respiratory therapy personnel doing an ordered procedure
 - D. A retired physician who is a friend of the family
5. Copies of patient information may be disposed of in any garbage can in the facility.
 - A. True
 - B. False
6. The criminal penalties for improperly disclosing patient health information can be as severe as fines of \$250,000 and prison sentences of up to 10 years.
 - A. True
 - B. False



HIPAA QUIZ - ANSWERS

7. You are working elsewhere in the hospital when you hear that a neighbor has just arrived in the ED for treatment after a car crash. You should –
 - A. Contact the neighbor's spouse to alert him or her about the accident.
 - B. Do nothing and pretend you don't know about it.
 - C. Tell the charge nurse in the ED that you know how to reach the patient's spouse and offer the information if it's needed.

8. What is the standard for accessing patient information?
 - A. A need to know for the performance of your job
 - B. If a physician asks you the diagnosis of the patient
 - C. Just because you are curious
 - D. You are a relative of the patient

9. You may access your own medical record via the computer system.
 - A. True
 - B. False

10. Confidentiality and privacy are important concepts in healthcare because –
 - A. They help protect hospitals from lawsuits.
 - B. They allow patients to feel comfortable sharing information with their doctors.
 - C. They avoid the confusion of having people other than a physician distributing information about a patient.
 - D. Both A and B



HIPAA QUIZ - ANSWERS

Answers

1. D
2. C
3. C
4. C
5. B
6. C
7. C
8. A
9. B
10. D



References

ⁱ World Health Organization. (n.d.). Health topics: Ethics. Retrieved July 22, 2016, from <http://www.who.int/topics/ethics/en/>

ⁱⁱ American Nurses Association. (n.d.) Short definition of ethical principles and theories: Familiar words, what do they mean? Retrieved June 20, 2016, from <http://www.nursingworld.org/MainMenuCategories/EthicsStandards/Resources/Ethics-Definitions.pdf>