

**ETHICAL ISSUES IN HOME
HEALTH CARE**

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For the many nurses who generously shared their stories with us.
– *R.E.L. and S.L.S.*

For my parents Patricia and Francis, who first taught me about caring, and my sons Pierce and Spencer, from whom I continue to learn daily. – *L.P.*

PREFACE

This book lets us listen to the voices of home health care nurses as they pose the ethical questions they encounter in their work. The cases presented in each chapter are fictionalized situations based on interviews conducted with home health care nurses in both hospital-sponsored and private agencies, in hospices, and in urban and rural settings. We have attempted to avoid the use of gendered pronouns, except in the discussion of cases, where their use reflects the fact that the majority of nurses in home health care are women.

Home health care is an increasingly important venue for nursing, as advances in medical technology and cost-containing measures shift the ill population from hospital to home. In this practice setting, nurses voice ethical concerns that are importantly different from the ethical questions most common in hospital nursing practice. Nursing literature frequently addresses ethical issues, but little attention has been paid to the special circumstances of home health care and the fact that this kind of nursing requires different strategies for effective ethical responses.

Each chapter of this book is devoted to one of the main areas of concern for home health care nurses. Focusing on specific cases, it offers analysis and discussion of the ethical issues, cites legal requirements where relevant, and summarizes ethical criteria and practical strategies. The discussion of these cases is not intended to be comprehensive, but to serve as a useful stimulus for further, indepth discussion of the issues. The initial cases from each chapter are discussed in the concluding chapter.

The goal is for the reader to develop a keen sensitivity to ethical questions and skill in the critical thinking process that leads to careful, reasoned decisions about what to do. Reflection on the issues and

attention to the reasoning process can aid nurses, clients, families, and other caregivers as they confront the emotion-laden decisions of home health care ethics.

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We also appreciate the support of friends, colleagues, and family members, whose presence, conversations, and encouragement were indispensable to us during the process of research and writing. We hope they know the extent of our gratitude.

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**ETHICAL ISSUES IN HOME
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Chapter 1

INTRODUCTION: ETHICAL DECISION MAKING

I have a client who is dying at home. Her family has been wonderful with her. Her two sisters are taking care of her, and they are with her all the time. She told me they pray together. She just seems so peaceful, even though her condition is deteriorating. Recently she obstructed, but she said she didn't want a colostomy. She didn't think her sisters could deal with it. **Should I support her decision to spare her family?**

General Issues

- **What is ethics?**
- **How should claims about rights be used in making ethical decisions?**
- **What role should consequences have in ethical decision making?**
- **What other factors should be considered?**

The nurse in this case faces a classic ethical dilemma, that is, a conflict between two moral ideals. One ideal holds that nurses should respect a client's right to make decisions, but here that ideal conflicts with the responsibility nurses also have to promote a client's health and well-being. The decision the nurse must make in this situation is different from the clinical decisions she confronts every day, for this involves the kind of question that goes beyond facts. The uncertainty about what it is right to do cannot be resolved by gathering more factual information or even through further assessment of a client's clinical condition. Instead, answering ethical questions requires skill in identifying the significant moral factors in a situation and then reasoning to a conclusion about the best course of action.

This case illustrates three important features of the special challenges home health care nurses face when ethical conflicts arise: First, although they are part of an interdisciplinary team, home health care nurses are usually the only professionals in the home when a decision must be made. Second, the home setting itself may be the source of moral concerns, for example, if obstacles exist that prevent ideal nursing interventions on behalf of a client. Third, though their primary responsibility is to care for clients, nurses must also respond to concerns about family members or others who are caregivers. As a result, the ethical dilemmas nurses face in home health care may be complex and, in some instances, unique to the home setting.

Ideally, home health care nurses will be adept at thinking through solutions to ethical problems, without the benefit of immediate advice from professional colleagues, and they will be able to assist clients and families in understanding and coping with difficult decisions. These skills can be developed through thoughtful reflection on ethics and ethical decision making.

WHAT IS ETHICS?

Ethics involves critical reflection on fundamental moral beliefs, that is, beliefs about how to live, what has meaning and value, and what is morally right to do. The ultimate goal of careful reflection on these issues is a decision or a claim about morality that is thoughtful and well supported by reasons. Thus, reasonable answers to these moral questions and good ethical decisions will be the result of critical thinking.

Laws and nursing codes of ethics offer legal standards and moral ideals for the practice of nursing, but they cannot substitute for ongoing critical thinking about ethical issues. Laws, for example, are not very helpful in determining what is ethically right to do, because they state legal standards that are often vague and which need to be interpreted. Because legal standards are also subject to ethical evaluation, the laws themselves could possibly be judged immoral. Moreover, many of the circumstances that present ethical dilemmas are not covered by the law. For these reasons, ethics requires going beyond the view known as legalism, the idea that right and wrong are fully determined by the legal requirements that apply to a situation.

Nursing codes of ethics outline the basic moral principles that

should guide the professional practice of nursing and serve to inspire moral ideals for practice. However, codes of ethics, like laws, generally offer vague statements that require interpretation in a specific case to determine what to do. According to the American Nurses Association Code of Ethics, for example, a nurse's primary commitment is to the health, safety, and rights of the patient. The dilemma that arises when these moral requirements conflict is well illustrated in the situation described earlier. Referring to the code of ethics clearly does not resolve that dilemma. Instead, a resolution calls for weighing these requirements against each other to determine what should be done.

Finally, though religions are a common source of basic ethical principles, neither ethical thinking nor ethical behavior requires a basis in a religion or in religious beliefs. What good ethical thinking does require is reflection on the reasons that support a decision.

However, even careful ethical reasoning will not produce judgments that are beyond dispute or challenge. Some disputes can be resolved by identifying and analyzing the reasons that support different views, if individuals can agree that some reasons are more compelling. Other disagreements, though, stem from differences in values. Reasonable people may disagree about important values or the relevance of specific moral considerations and thus arrive at different answers to ethical questions. The practical issue of what to do when disagreements persist can sometimes be resolved if it can be determined who has the authority to make the final decision.

TRADITIONAL ETHICS

Each traditional ethical theory consists of a set of moral values and principles. These are the basis for identifying the features of a situation that are morally significant and thus provide the rationale for a decision about what is right to do. There are two commonly used approaches to ethical decision making, one that specifies rights and a second that identifies consequences as the crucial factors to consider. Both approaches are reflected in public policy, professional decisions, and everyday choices.