

Cambridge University Press

978-0-521-17361-2 - Clinical Ethics in Pediatrics: A Case-Based Textbook

Edited by Douglas S. Diekema, Mark R. Mercurio and Mary B. Adam

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Preface

Douglas S. Diekema, Mark R. Mercurio, and Mary B. Adam

This is a book for individuals who struggle with the ethical issues that inevitably arise when providing medical care to children. The contributing authors possess expertise in clinical ethics and experience in the clinical world. Most of the authors are clinicians, intimately familiar with the issues they discuss in their chapters. Those who are not clinicians serve as ethics consultants in clinical settings. All of the authors have struggled with difficult ethical situations involving children.

The three of us have been teaching clinical ethics to undergraduates, medical students, and residents for a combined total of over 50 years. Because our clinical practice is pediatrics, most of our teaching involves clinical ethics as it relates to the care of children and their families. Twenty years ago, one of us (DSD) developed a structured curriculum for teaching clinical ethics to the pediatric residents at Seattle Children's Hospital. A description of that curriculum was published in *Archives of Pediatrics and Adolescent Medicine* in 1997 (Diekema & Shugerman, 1997). That article generated significant interest, including pleas from residency programs around the country for resources to help teach the topics outlined in that paper. At the same time physicians and trainees frequently ask whether we can recommend a book that provides a good overview of pediatric ethics. But while there are some terrific books that deal with specific areas within the field (research ethics, neonatal ethics, decision-making on behalf of children), we find ourselves at a loss in identifying a volume that provides a comprehensive overview of the rich array of issues faced by those who care for children in the medical context. This volume is an attempt to provide such a resource.

The aim of this book is to provide a comprehensive overview of the ethical issues faced in pediatric practice. Each chapter begins with a case that illustrates the topic. The discussion that follows in each chapter is grounded by the specific case. We wanted this text to be accessible to readers who did not necessarily have an extensive background in ethics or philosophy, but who

wanted to deepen their understanding of the ethical issues faced in pediatrics. Our hope is that this volume will be a useful resource for health care providers who take care of children – an introductory text for those who want to learn about and better understand ethical issues in pediatrics as well as a teaching resource for those who might teach these topics in a residency program, medical school, or undergraduate setting.

Why a case-based textbook of clinical pediatric ethics?

Cases involving children have always been central to discussions of ethics in medicine. In *The Birth of Bioethics*, Albert Jonsen (1998) identifies the 1960s and 1970s as the beginning of the modern era of bioethics. While the Tuskegee Syphilis Studies and the case of Karen Ann Quinlan, among others, are representative of the case studies that initiated some of those early discussions, the truth is that many of the earliest cases discussed by philosophers and theologians in those years involved children. Saul Krugman's *Willowbrook Hepatitis studies* elicited intense discussion in the early 1960s. In 1970, Paul Ramsey published *The Patient as Person*, one of the first texts on medical ethics. A key chapter in that book centers on the question of whether children should serve as research subjects. One of the earliest clinical cases to engender public discourse on ethical issues was the Johns Hopkins Baby Doe story. The year was 1970, and the story involves the birth of a baby with trisomy 21 and multiple anomalies, including duodenal atresia. The parents chose not to allow surgery and the physicians agreed, with the baby dying after two weeks. Several members of the pediatric team, however, questioned the decision. A year later the Joseph P. Kennedy Foundation produced a film titled *Who Should Survive?* that re-enacted the events surrounding the baby's short life and death. That film was shown to thousands of medical students in the decades that followed and became a staple of medical ethics

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education in a time before clinical ethicists were a common sight in medical centers and medical schools. As an interesting side note, two of the physicians involved in the events surrounding the Hopkins baby, Norman Foster and William Bartholome, went on to become prominent academic bioethicists who helped maintain the focus on issues related to children.

It should be noted that cases remain central to the recognition and discussion of ethical issues in medicine. The early philosophical and theological explorations of ethical issues in the 1960s and 1970s were prompted by events like those that occurred at Willowbrook and Johns Hopkins. The events comprising those cases caused someone to raise an eyebrow, and then ask a question to which nobody could provide a satisfactory answer. Those questions became the source of ethical discourse that over time has changed the way we think about certain issues faced in the care of patients. As new cases arise, they continue to raise new questions that challenge our assumptions and existing standards. Clinical ethics is a living, breathing discipline that continues to evolve as a result of cases. And each of those cases represents a real person with real interests at stake.

Ethical issues faced by pediatricians certainly share features in common with those faced by providers in other specialties. Yet they can also be distinguished. Most decisions in pediatric medicine involve three parties – the clinician, the child/patient, and the parent. Infants and children cannot make decisions for themselves and have not yet developed the kind of narrative that allows a surrogate decision-maker to discern the patient’s preferences regarding medical intervention. While we generally assume parents seek the best interests of their children, we may not always be convinced that a specific parental decision accomplishes that goal. A recurring theme through many of the chapters in this book is the struggle to identify the limits of parental decision-making authority, and determine when a parental decision should be challenged. Older children and adolescent patients add another dimension. These individuals may have the ability and desire to be involved in decision-making, but their capacity for “adult-like” decision-making may not yet be fully developed. Determining the right balance between respecting the preferences of an adolescent patient and protecting their future interests represents another common theme in pediatric bioethics. Even the so-called boundary issues may manifest themselves differently in pediatrics, since the boundary being delimited

usually involves that between the clinician and the patient’s parent or relative rather than between the clinician and the child/patient.

In addition to the clinical realm, health care professionals can be found on hospital ethics committees, institutional review boards, national committees that set policy related to ethics and law, national organ procurement agencies, local, state, and federal committees evaluating triage and scarce resource allocation strategies, and state and federal committees concerned with vaccine allocation strategies (i.e., for pandemic influenza) or vaccination requirements for children. These responsibilities involve the application of ethical analysis to issues that affect policy, public health, and populations. Health care professionals who serve these roles will benefit from some understanding of ethical analysis.

The purpose of this book

This book is intended for a broad audience. Its intent is to serve as a primer on pediatric clinical ethics for health care professionals, undergraduates, graduate students, medical students, and residents who seek to better understand the issues that arise in pediatric practice. At the same time, we have written this book to provide a useful resource for those who teach pediatric clinical ethics. Each case-based chapter could easily form the basis of a course lecture, classroom or seminar discussion, small group discussion, or residency ethics conference. Cases represent the soul of each chapter and provide an anchor around which the discussion of each topic can take place. They also remind the reader that ethics is not simply about opinions and theories, but ultimately about coming to a reasoned solution to a difficult problem that involves a very real patient. Taken as a whole, the chapters not only provide an overview of the broad range of issues that comprise pediatric ethics, but also give the reader a sense for the common themes shared by seemingly different ethical issues.

Clinical practice inevitably poses difficult ethical questions. Caring for patients will inevitably lead to situations in which there are disagreements over what is “best” for a patient, over which values should prevail in a given situation, about who ultimately should be able to decide what to do. Clinical practice is driven by the ethical principle of beneficence – the obligation to apply the tools of the health care professions for the good of the patient. This ideally involves the application of medical science. But it also inevitably requires value judgments; for every medical decision is premised on the assumption that what is being proposed medically is good or

best for the patient. Disagreements will arise in those situations, and it is important for clinicians to recognize that those disagreements are, at their core, disagreements about values. Recognizing, understanding, and learning how to approach, mediate, and even solve ethical dilemmas requires applying the appropriate tools – the tools of ethical reasoning. Ethics is not ultimately about forming an opinion about a difficult issue, but about being able to give reasons and arguments that have the potential to convince others about the best approach in a difficult situation. These are serious questions that have significant impacts on patients. They deserve serious, thoughtful, well-considered, and reasoned solutions. We have given the chapter authors the freedom to approach their chapter topic as they see fit. This is intentional. Our hope is that it provides the reader with a sampling of different approaches to ethical issues. What is important, however, is that the authors have approached each topic thoughtfully – outlining the issues, making an argument to support a specific approach, and ultimately offering a resolution to the problem.

We do not expect the reader to agree with everything in these chapters. We have asked our expert contributors to provide an overview of each issue, but the issues are by nature controversial. We don't necessarily agree with everything written on these pages, and we don't expect that our readers will. Our hope, however, is that if nothing else the chapters will engender discussion, debate, and further reflection. If we can hope more grandly, our desire is that this book will provide a means for readers to enhance their ability to recognize ethical issues and improve their skills in seeking a reasonable resolution to difficult ethical dilemmas. In many cases, one will come to the conclusion that more than one approach is acceptable. Many ethical issues are difficult precisely because they offer no clearly good way to navigate the conflict. They represent conflicts between important values or commitments. They are frequently infused with uncertainty. In many cases, they are truly tragic in the sense that one must choose between two or more good options, but choosing for one good will forgo the other – as when one must choose between potential recipients in allocating a single kidney, liver, or heart for transplant. Alternatively, tragic ethical dilemmas in medicine take the other form – we must choose between options that can only be described as bad – as when those gathered around the bed of a child who has suffered a severe anoxic brain injury after a prolonged submersion event face the decision of whether to allow the child to die or continue to

use medical technology that may maintain life, but life accompanied by a vegetative existence.

The structure and organization of this book

This volume provides a practical overview of the ethical issues arising in pediatric practice. The case-based approach grounds the bioethical concepts in real-life situations, covering a broad range of important and controversial topics encountered by those who provide health care to children, including informed consent, confidentiality, truthfulness and fidelity, ethical issues relating to perinatology and neonatology, end-of-life issues, new technologies, and problems of justice and public health in pediatrics. A dedicated section also addresses the topics of professionalism, including boundary issues, conflicts of interests and relationships with industry, ethical issues arising during training, and dealing with the impaired or unethical colleague. Each chapter contains a summary of the key issues covered and recommendations for approaching similar situations in other contexts.

We have organized this textbook around six sections. Section 1 addresses core issues in pediatric clinical ethics. These include the topics of parental permission and refusal, the assent of children, adolescent involvement in decision-making, confidentiality, disclosure and keeping diagnostic secrets from children and adolescents, truth-telling, disclosure of errors, parental refusals of certain treatments on the basis of religious or cultural beliefs, and requests for treatments that the physician may be uncomfortable providing.

Many difficult ethical issues face prospective parents and clinicians during pregnancy and at the time of birth. Section 2 encompasses a broad range of ethical issues that arise during the perinatal and neonatal period. These include maternal–fetal conflicts, fetal therapy, the responsible use of assisted reproductive technology, preimplantation and prenatal genetic testing for inherited disorders, dispositions, or traits, and the ethical issues that arise in making decisions in the delivery room and in the newborn period regarding the initiation or continuation of life-sustaining interventions. We have included two chapters related to the latter topic that address quality of life assessment and international variations in the way these decisions get made.

Death is tragic when it occurs in children, and decisions surrounding the death of a child can be difficult

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for all involved. Section 3 addresses the ethical issues that arise at the end of a child's life, including resolving disputes that occur in making decisions about continuation or initiation of life-sustaining interventions, futility, advanced directives and do-not-resuscitate orders in children, the definition of death, physician-assisted death, and palliative care.

New technologies are frequently accompanied by ethical issues, in some cases ethical issues that have not previously been considered. Section 4 addresses several of the issues that new technologies in pediatrics pose for parents and providers. This section includes discussions of transplantation, enhancement technologies (growth hormone treatment, cognitive enhancement), genetic screening and testing, the introduction of innovative technology in practice, and ethical aspects of human subjects research. Three of the chapters in this section explore the impact of medical innovation or new technologies on groups that may or may not perceive the interventions as beneficial, either because they carry social implications for the group in question (cochlear implants and the Deaf community) or because of disagreement about whether the intervention provides net benefit to the child (sterilizing procedures in children with profound developmental delay and the surgical management of children with disorders of sex development).

Section 5 addresses issues of policy that directly impact the medical care of children. These include allocation decisions (related to resources during a pandemic or disaster) and policy related to school vaccine mandates. We have also included here a chapter that addresses the interesting question of whether health care providers should provide medical support at events that may pose significant risks to the participants (in this case youth boxing).

Finally, we have included a section to address the professional responsibilities of providers. These are topics frequently left unaddressed in other texts. While most of these issues are not directly related to clinical care, they do have implications for the care patients receive. Included in Section 6 are discussions about the impaired health care provider, ethical issues that arise in training (practicing procedures, disclosure of level of experience), physician relationships with industry, and boundary issues in pediatrics (gifts from patients, romantic relationships with patients/family members, caring for the children of friends/relatives). We have also included a final chapter in this section about ethics consultation and ethics committees, since these

mechanisms provide an important resource for clinicians and families struggling with the issues raised in many of the other chapters in this book.

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