

PHARMACY LAW

Ethics

ETHICS

... is a branch of philosophy that poses four fundamental questions:

- 1. What are the source, meaning, and justification of ethical claims?**
- 2. What kind of acts are right?**
- 3. How do rules apply to specific situations?**
- 4. What ought to be done in specific situations?**

MORAL DEVELOPMENT

Kohlberg developed a model, which attempted to explain how children develop a sense of right or wrong. To do this he posed several dilemmas to children of various ages and studied their responses.

LEVELS OF MORAL
DEVELOPMENT

```
graph LR; A[LEVELS OF MORAL DEVELOPMENT] --> B[PRE-CONVENTIONAL LEVEL]; A --> C[CONVENTIONAL LEVEL]; A --> D[POST-CONVENTIONAL LEVEL];
```

PRE-CONVENTIONAL
LEVEL

CONVENTIONAL
LEVEL

POST-CONVENTIONAL
LEVEL

Kohlberg's Stages of Moral Development:

A summary of Kohlberg's findings in terms of age appropriate morality in relation to Heinz's dilemma

2. Conventional level

Stage 3: Good boy/good girl orientation. Action determined by the approval of their peer group.

Example: "He shouldn't steal the drug because others will think he is a thief. His wife will not want to be saved by stealing." (avoiding disapproval)

"Heinz should steal the medicine because his wife expects it; he wants to be a good husband."

Stage 4: Authority orientation. Should uphold the law at all costs. Follow social rules.

Example: "Although his wife needs the drug, he should not break the law to get it. His wife's condition doesn't justify stealing." (traditional morality of authority)

"Heinz should steal the drug for his wife but also take the prescribed punishment for the crime as well as paying the druggist what he is owed."

Kohlberg's Stages of Moral Development:

A summary of Kohlberg's findings in terms of age appropriate morality in relation to Heinz's dilemma

3. Post-conventional level

Stage 5: (Human Rights) Social-contract orientation. Rules are open to question but are upheld for the good of the community. Morally right and legally right is not always the same.

Example: "He should not steal the drug. The druggist response is unfair but mutual respect for the rights of others must be maintained." (social contract)

"Heinz should not steal the drug because the druggist has a right to fair compensation. Even if his wife is sick, it does not make his actions right."

"Heinz should steal the medicine because everyone has a right to choose life, regardless of the law."

Stage 6: (Universal Human Rights) Morality of individual principles. High value is placed on justice, dignity, and equality.

Example: "He should steal the drug but alert authorities he has done it. He will have to face a penalty, but he will save a human life. Because saving a human life is a more fundamental value than the property rights of another person." (self-chosen ethical principles)

"Heinz should not steal the medicine, because others may need the medicine just as badly, and their lives are equally significant."

APPLIED ETHICS

... takes the tools and concepts of ethics and applies them to practical issues such as those encountered in health care, in bussiness, in pharmacy management and leadership, in medicine, in dentistry etc.

Code of Ethics for Pharmacists

This Code, prepared and supported by pharmacists, is intended to state publicly the principles that form the fundamental basis of the roles and responsibilities of pharmacists.

These principles, based on moral obligations and virtues, are established to guide pharmacists in relationships with patients, health professionals, and society.

Code of Ethics for Pharmacists

I. A pharmacist respects the covenantal relationship between the patient and pharmacist.

A pharmacist has moral obligations in response to the gift of trust received from society. In return for this gift, a pharmacist *promises to help* individuals achieve optimum benefit from their medications, to be *committed to their welfare*, and to *maintain their trust*.

Code of Ethics for Pharmacists

II. A pharmacist promotes the good of every patient in a caring, compassionate, and confidential manner.

A pharmacist places concern for *the well-being of the patient* at the center of professional practice. In doing so, a pharmacist considers needs stated by the patient as well as those defined by health science. A pharmacist is dedicated to protecting *the dignity* of the patient. With a caring attitude and a compassionate spirit, a pharmacist focuses on serving the patient in a *private* and *confidential* manner.

Code of Ethics for Pharmacists

III. A pharmacist respects the autonomy and dignity of each patient.

A pharmacist promotes the right of *self-determination* and recognizes individual *self-worth* by encouraging patients to participate in decisions about their health. A pharmacist communicates with patients in terms that are *understandable*. In all cases, a pharmacist *respects* personal and cultural differences among patients.

Code of Ethics for Pharmacists

IV. A pharmacist acts with honesty and integrity in professional relationships.

A pharmacist has a duty to *tell the truth* and to act with conviction of conscience. A pharmacist avoids *discriminatory* practices, behavior or work conditions that impair professional judgment, and actions that compromise dedication to the best interests of patients.

Code of Ethics for Pharmacists

V. A pharmacist maintains professional competence.

A pharmacist has *a duty to maintain knowledge* and *abilities* as new medications, devices, and technologies become available and as health information advances.

Code of Ethics for Pharmacists

VI. A pharmacist respects the values and abilities of colleagues and other health professionals.

When appropriate, a pharmacist asks for the consultation of colleagues or other health professionals or refers the patient. A pharmacist acknowledges that colleagues and other health professionals may *differ in the beliefs* and *values* they apply to the care of the patient.

Code of Ethics for Pharmacists

VII. A pharmacist serves individual, community, and societal needs.

The primary obligation of a pharmacist is to individual patients. However, the obligations of a pharmacist may at times extend beyond the individual to the community and society. In these situations, the pharmacist recognizes the responsibilities that accompany these obligations and acts accordingly.

Code of Ethics for Pharmacists

VIII. A pharmacist seeks justice in the distribution of health resources.

When health resources are allocated, a pharmacist is *fair* and *equitable*, balancing the needs of patients and society.

PRINCIPLES IN PHARMACY ETHICS

Ethical Principle	Definition	Pharmacist/Patient Example
Autonomy	Ability to make decisions without controlling interference	Pharmacist can individualize drug information for a specific patient counseling. Patient can choose not to take prescribed medicine.
Beneficence	Obligation to help other people	Pharmacist should provide accurate and up-to-date information and education.
Non-maleficence	Obligation to avoid harming other people	Pharmacist should refuse to dispense penicillin in a patient with a history of a type-1 hypersensitivity reaction to penicillin.
Justice	Obligation to the fair distribution of benefits and burdens	Ability to be fair within reason

THE STEPS TO APPROACH AN ETHICAL DILEMMA

- 1. Describe the ethical dilemma**
- 2. What ethical principles are involved?**
 - Autonomy (What are the patient's wishes and values?)**
 - Justice (Is the patient being treated fairly and are his/her needs able to be satisfied?)**
 - Beneficence and Non-Maleficence (What can be done for the patient and what are the benefits and harms?)**
- 3. With whom did you consult when making this decision (ie. colleagues, friends, family)?**
- 4. What other factors have you considered (ie. legal issues, financial concerns)?**
- 5. What are the options of action?**
- 6. What is your final decision?**

Some ethical principles

Principlism

This approach involves the objective moral principles guides to moral behaviour.

What is the ethical problem in this case?

A conflict between the *privacy of the patient* and the *well-being of the patient* or *the consequences that the owner might encounter*.

If you are using principle based approach there are some various rights and duties of the parties involved in this case.

RESPECT FOR Autonomy

Pharmacists are *obligated to respect* people not only because they are human but also because they respect the healthcare decisions of those who are capable of making such decisions.

How can we tell that a decision is an autonomous one?

1. The action or decision must be intentional, not accidental.
2. The person acting is informed or knows what he or she is doing.
3. The person is substantially free to make choice.

Autonomy is a principle but not an absolute. We can restrict the autonomy of a patient for several reasons. For example, we would be justified in restricting a patient's autonomy if an action he wanted to take would severely harm others.

RESPECT FOR Autonomy

In Mr. Wilson's case, it appears that he is capable of deciding to return to roof company. He freely chose to getting risky to encounter a seizure activity during a roof repair. *It is his own decision*. He appears to understand that what he did was wrong but still wants to work as an employee. We may assume that he needs to earn money to look after children.

However, there are some limits to the individual beneficiary's choices or action. Because we are all responsible for other parties.

Mr. Wilson have has other options that he could freely exercise. For example; he might look for another job. He might ask for the owner of the company to give him another non risky work in the company.

In this case, the pharmacist is autonomous as well and the pharmacist should abide by the company and Mr. Wilson. He could freely warn the owner.

BENEFICENCE AND NONMALEFICENCE

For most healthcare professionals the most obvious ethical principle is to help the patients and avoid harm.

In this case, beneficence or nonmaleficence applies to the good of all patients, the owner of the company and to the pharmacist.

If the pharmacist warns the owner:

1. The owner might be protected from a penalty for not to ensure the health conditions of the employees. The pharmacist may provide a beneficence to both the owner and the patient in terms of protecting his health.
2. The pharmacist might cause a nonmaleficence to the patient by contributing to lose his job. Additionally, the principle of autonomy will be damaged.

JUSTICE

The principle of justice deals with fair distribution of benefits and burdens.

In this case:

If Mr. Wilson would return the job, the other healthy employees will not get the possibility to get this job. This action won't be fair to others and the owner. Otherwise the owner might find another healthy worker.

Some ethical principles

Virtue Ethics

A second approach to ethics focuses on virtue rather than right action. Virtue ethics is concerned about the moral character of a person rather than «what a person should do?».

«what should I be?»

If you want to be a virtuous person, you have to dedicated to being a good person.

Virtues ethicists claim that the ultimate source of goodness lies within the person.

If you are a good pharmacist, you will be inclined to choose the morally right action. For example, a virtuous pharmacist is inclined to do good with respect for patients' dignity and privacy.

What sort of goodness?

What virtues are needed as a community pharmacist?

What virtues are needed as a person/patient/employee?

What virtues are needed as a owner?

A number of virtues are necessary for pharmacists in healthcare system, such as being sensitive, justice, integrity, faithfulness.

A number of virtues are necessary for an employee, such as honesty, respectfulness, being sensitive etc.

A number of virtues are necessary as an owner, such as faithfulness, openness etc.

What sort of goodness?

By exploring the virtues of the individuals involved in a case, might not be enough to produce morally correct action.

For example, if we are virtuous but do not know anything about moral principles that guide right actions. Conversely, if we know the right thing to do but lack of the moral character to do it, we are also unhelpful in resolving an ethical problem.

Describe the ethical dilemma

Avoiding harm to patient

vs.

A good relationship with colleagues

What ethical principles are involved?

- **Autonomy (Are there any problems related to autonomy?)**
- **Justice (Is the patient being treated fairly and are his/her needs able to be satisfied?)**
- **Beneficence and Non-Maleficence (What can be done for the patient and what are the benefits and harms?)**

With whom did you consult when making this decision (ie. colleagues, friends, family)?

What other factors have you considered (ie. legal issues, financial concerns)?

What are the options of action?

- a. Fill the prescription but counsel the patient about risks of the medication,**
- b. Refuse to fill the prescription and explain to the patient why,**
- c. Attempt to persuade the prescribing physician to change the prescription.**

What is your final decision? WHY?

See you next week...