Healthcare Ethics Committees’ Contribution to Review of Institutional Policy

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One of the typical functions of a Healthcare Ethics Committee (HEC) is to provide guidance for institutional policy. This guidance can take a number of forms, but most often it involves either developing policies related to significant ethical issues (e.g., resuscitation, informed consent), or providing feedback to others who are in the process of drafting such policies. Regardless of which form of guidance is provided, a HEC is expected to make its contribution from a distinctly ethics perspective. This means that a HEC is expected to make use of its expertise and experience in clinical ethics when working with institutional policy. Perhaps surprisingly, meeting this expectation can pose a challenge for committee members.

In acknowledging the role that many HECs have in providing guidance for at least some institutional policy, it is important also to acknowledge that attention to ethics in institutional policy is not the sole purview of the HEC. Health care professionals and administrators also have obligations toward ensuring that ethical standards are met, whether these standards arise from sources such as professional associations, government, law, accreditation requirements, societal values, relationships with other health service organizations (e.g., organ transplantation centers), or elsewhere. Within institutions attention to ethical aspects of policy may occur at different levels and in a variety of ways (e.g., highly centralized, highly decentralized, or along the spectrum in between). However, to the extent that a HEC has a function to contribute an ethical perspective to institutional policy, it is important that the HEC seek ways to fulfill that function effectively.

This paper targets HECs who may be struggling with their responsibility to contribute ethical guidance to institutional policy. While recognizing that institutions themselves could benefit from a comprehensive analysis with recommendations for improving their institutional policy, and policy development and review processes, I choose here to address only a subset of this larger issue. With regard to the possible role of HECs in institutional
policy, I set aside the challenge of developing ethics policies from scratch. Other literature offers advice about that (Doyal, 2001; Moss, 2003; Ross et al., 1993; Rothenberg, 1984; Thomasma, 1985). Instead, I focus on what I take to be the more difficult and more important task, that of providing an ongoing effective ethics policy review service. I contribute to easing this task in three ways. First, I review challenges that HECs may face, and need to overcome, in trying to provide an effective policy review service. HECs should consider these challenges in their own self-assessments of their performance and potential for an ethics policy review service. Second, I provide some strategies to get policies before a HEC so that an ethics review of those policies can take place. HECs will want to assess which strategy or combination of strategies will work best in their own institutions. Third, I provide some guidelines for reviewing policies from an ethics perspective. It is important that a HEC know how to review policy from a distinctly ethics perspective and have a process to do that well.

Challenges a HEC Faces in Providing an Effective Policy Review Service

HECs can face challenges from the inside and the outside that impair their efforts to provide an effective policy review service. For instance, within the committee itself, there may be uncertainty about the committee’s role with regard to policies in the institution. Sometimes members do not have a good understanding of their institution’s overall system of policy development and review, and consequently they lack a vision for what contributions their committee can or should make. When establishing the HEC and preparing its terms of reference, its policy guidance function may have simply been drawn from the literature about HECs or the terms of reference of similar committees at other institutions with no real vision within the committee, or even the institution, about what kind of guidance the committee can be expected to provide. If this is the case, the committee may need to work with leadership in the institution to assess the need within the institution for such a service and the committee’s ability to contribute to fulfilling that need.

For some committees their role is clear but they face challenges of time, talent and confidence. Committees usually have multiple tasks and take on multiple responsibilities, all of which require significant time commitments from their members. Members are usually busy professionals who add committee work on top of an already full slate of responsibilities. The multitude of work, service, and teaching responsibilities they assume spreads the resources they can apply to committee work quite thin. Taking on projects that require significant education on their part may be particularly burdensome. Education may include the ethical standards that institutional