Truth-telling in Medicine

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• What is the truth?

• Before medical ethics

• Foundations of medical ethics

• Principles of medical ethics

• Practice of truth-telling

• Whistleblowing
Outcomes

At the end, students will

- Understand the ethical rationale for respecting privacy, maintaining confidentiality, and telling the truth
- Know the basis of ethical behaviour in medicine
- Weigh up cases where arguments can be made for not telling the truth
Honesty

• Is honesty the virtue we often claim it is?

• If so, why is lack of honesty as common as it is?

• Under what circumstances, if any, is deception justified?

• How can we enhance the levels of honesty in others and ourselves?

• How can we strive to enhance cultures of honesty, trust, and integrity in our organisations and society?
There was a doctor who diagnosed his friend as seriously ill, but realised that his friend had a good chance of recovery.

Should the doctor tell his friend how serious it is, and lessen hope, or deliberately mislead him, and improve chances of survival by giving hope?

If the decision taken by the doctor to deceive helps the patient “find” hope and survive, does the doctor fulfil his “Hippocratic Oath,” “reducing patient harm by not revealing upsetting conditions”? 
What is truth in medicine?

• What the doctor believes?
• What the patient wants to hear?
• Can it be perfectly or wholly known?
• There are grey areas ...
Truth-telling

A question that influences all our communication:

- Should doctors tell the truth to patients?
- Truth matters to patients
- Integrity matters to doctors
- If so, when & how much?
Historical Codes

- Do no harm
- Do not kill
- Do not bear false witness
- Keep patients’ secrets
- Don't have inappropriate relationships with patients
• "First do no harm" was used to justify lying - telling the truth was difficult

• Medical facts were speculative - how can you tell the truth when you have no idea what it true?

• Telling the truth was relegated to an option if you are sure it won't hurt.
What is medical ethics?

- Critical evaluation of assumptions and arguments
- Inquiry into norms and values; what is good or bad, right or wrong in the context of medical practice

David Raphael, Raanan Gillon
What is clinical truth?

• Clinical truth is contextual, circumstantial and personal

• It cannot ignore objective truth

• It mustn't be relegated to it either
Basis of medical ethics

- Deontology
- Consequentialism
- Virtue
Deontology

- From the Greek 'Deon', meaning duty
- Not related to the Latin 'Deus', meaning God
- Based on the belief that we owe a duty of care to each other
- May be derived from a belief in God, but not necessarily
Immanuel Kant & deontology

18th century German philosopher - 'lying creates a double standard'. His categorical imperatives are:

**Formula of universal law**

• Before acting, consider: could I live in a world where everyone acted in this way?

**Formula of humanity**

• People are always to be treated as ends in themselves, never as means to an end.
Deontology and truth-telling

• A deontological belief may compel the telling of the whole truth in a way which is not necessarily most helpful

• It ignores the consequences, which may not all be good

• Can you think of an example?
Example

- Dr. Jones is admitted to the hospital for tests. Found to have end stage cancer of the pancreas.

- He, his wife, and daughter are all doctors.

- His wife and daughter tell you to give all diagnostic information to them — not to the patient. They tell you that “If it is bad news he will lose all will to live and will most likely be suicidal.”

- Should you respect the wife’s & daughters’ preferences?
Consequentialism

- John Stuart Mill
- Consequences are what matters; the means are unimportant
- Hard to know what the consequences will be
- Some actions are self-evidently wrong even if consequences good
Virtue ethics

- Virtues are characteristics that promote human flourishing
- Compassion, patience, kindness, fidelity
- Derives from the notion that it is the character of the person that is central
- A person of good character will necessarily act in the right way
Good points of virtue ethics

• It centres ethics on the person and what it means to be human

• It includes the whole of a person's life
Bad points of virtue ethics

• Doesn't provide clear guidance on what to do in moral dilemmas

• No general agreement on what the virtues are

• Any list of virtues may be relative to the culture in which it is being drawn up.
Principles of medical ethics

- Autonomy
- Beneficence
- Non-maleficence
- Justice
Autonomy

• Patients must be regarded as having autonomy
• Defined as the right to self-determination
• Autonomy must be respected
• But may be limited by lack of mental capacity, or in children
Autonomists

• Insist on telling the whole truth, without embellishment or delay

• Eschew paternalism

• Reduce doctor to information-provider
Beneficence

- Medical practice always seeks to benefit patients
- Diligence must be shown in avoiding harm
Non-maleficence

- Medicine aims to do no (overall) harm to patients
- Reasonable harms are justified
- Side effects of medication, surgical wounds, infection risks are all acceptable
Justice

- Our efforts should be directed without reference to our likes or dislikes
- Discrimination is unlawful on basis of race, gender and disability
- Human rights legislation
- Justice is much more than observing the law
Truth for the dying patient

- Studies show patients do want to know
- Denial does not mean they would prefer lies
- Without treatment, over-treatment results
- Patients benefit from knowing - they can prepare physically, emotionally, spiritually, financially
Truth for patients with dementia

- Earlier studies suggested patients didn't always want to know
- Recent studies have shown that has changed
- Earlier diagnosis and willingness to disclose are probably the main reasons
Patient doesn't want to know …

- Patients may request withholding information
- May need to know something to know how much they want to know
- Beneficence or non-maleficence may require some disclosure
What are the doctor's obligations?

- Duty to the patient
- Accountable to employer & regulator
- Responsible to each other, the profession, matters of public health
- Moral obligations
Truth, whole truth, nothing but truth

Hippocratic Paternalism

• Medicine had little to offer but hope. “Bad news” destroyed hope, so concealment was in the patient’s best interests

• Since the doctor, and medicine’s reputation was at stake concealment was in their best interests
Hindu tradition

• Truth has three attributes; for something to be regarded as the truth it has to be true in fact (satyam), good in nature (shivam), and beautiful or aesthetically appealing (sundaram).

• In the art of medicine, telling the truth might thus demand disclosure of some of the facts about a disease, and communication of the limited information that is true, good, and appealing.
Advising about a drug and its side effects, the doctor might say:

- No dangerous side effects (lying).
- No serious symptoms, suggest blood tests, omit important information, present in a misleading way (deception).
- Unlikely to be serious side effect, may need blood tests, all routine, little risk, (misrepresentation).
- Nothing about side effects till the patient explicitly asks (nondisclosure).
Ethics in practice

- Candour
- Consent
- Capacity
- Confidentiality
- Communication
Ethical duty of candour

- Candour: openness, honesty, transparency
- Spontaneous, without compulsion
- Applies to disclosure of error or uncertainty
- Also applies to decisions influenced by resources
Duty of candour

• Longstanding ethical duty
• Established regulatory duty
• Recent contractual duty
• New statutory duty
GMC duty of candour

• In Good medical practice (2013) paragraph 55, the GMC says:

• "You must be open and honest with patients if things go wrong. If a patient under your care has suffered harm or distress, you should:

  • put matters right (if that is possible)

  • offer an apology

  • explain fully and promptly what has happened and the likely short-term and long-term effects."
Contractual duty of candour

- NHS hospitals have had a duty of candour since 2013
- It is a corporate, not a personal responsibility
- ... for now
End of Life decisions

- Euthanasia - active or passive
- DNAR
- Advance directives
- Withholding and withdrawing treatment
- Assisted suicide
Cultural thoughts

• Truth-telling needs to be sensitive to the culture

• Respect views such as the Navajo belief that to discuss bad information is to make it happen; withholding risks is usual

• But FGM is a cultural construct too, so respect is not the only option
Sokol's example
Telling the truth

• Right amount
• Right person
• Right time
Uncertainty

Objective

- Aleatory - I can't know any more
- Epistemic - I don't know any more

Subjective

- Ethical - I don't know what I should do
- Choice - I don't know what I want to do
Whistle-blowing

- What is it?
- Why do it?
- Will I get into trouble?
- How do I do it?
What is whistle-blowing?

• Raising concerns about a person, practise or organisation

• Escalating outside the organisation?

• "Going to the press"?

• Gossiping in the pub?
Why should I be a whistle-blower?

- GMC duties of a doctor
- "You must make the care of your patient your first concern"
- Bristol cardiac surgery
- Mid Staffordshire
Will I get in trouble?

- Possibly, but you shouldn't
- Organisations are under increasing pressure to treat concerns seriously, and to deal with whistle-blowers fairly
- Cost of doing the right thing
How?

• Raise concerns internally - to medical or nursing or medical staff on your placement

• Report to PATS tutor or phase director, or undergraduate leads in the hospital

• Use tab on Minerva
How?

- Report to exec team / senior manager
- Give deadline for response and action
- Discuss, take advice
- Speak to appropriate body
- Keep notes!
Questions are guaranteed in life; Answers aren't.
Summary

- Truth-telling requires an understanding of complex truth
- Ethical principles underpin
- Practical outworking - who, when, how much, are important