
Andrej Michalsen • Nicholas Sadovnikoff
Editors

Compelling Ethical Challenges in Critical Care and Emergency Medicine



 Springer

Contents

Part I Introduction

1 How Ethics Can Support Clinicians Caring for Critically Ill Patients	3
Aimee B. Milliken and Nicholas Sadochnikoff	
1.1 Introduction	3
1.2 Background	3
1.3 Vignettes	4
1.4 Conclusion	9
References	9
2 Patients and Teams Caring for Them: Parallels Between Critical Care and Emergency Medicine	13
Spyros D. Mentzelopoulos	
2.1 Introduction	13
2.2 Initial ED Care and Triage for ICU Admission	14
2.3 Ethical Challenges in the ED and ICU Settings	15
2.4 Vulnerable ED and ICU Patients	15
2.5 Challenges Associated with Surrogate Decision-Makers	18
2.6 Family Presence During Patient Care and Resuscitation	19
2.7 Advance Directives (AD), Advance Care Planning (ACP)	20
2.8 Shared Decision-Making	21
2.9 Equal Access to Best-Quality Care	22
2.10 Dignity and End-of-Life Care	22
2.11 Emergency/Critical Care Research Issues Besides Consent	23
2.12 Conclusions and Future Directions	24
References	24

Part II Goal of Therapy, Teams and Patients

3 Indication and Prognostication	29
Armand R. J. Girbes	
3.1 Introduction	29
3.2 Patient-Centered Indication and Prognostication	30

3.3	The Gap Between Attainable and Desirable Outcome	31
3.4	The Will of the Patient	33
3.5	Summary	33
	References	34
4	Consent, Advance Directives, and Decision by Proxies	35
	Annette Robertsen, Susanne Jöbges, and Nicholas Sadovnikoff	
4.1	Introduction	35
4.2	Legal Bases	36
4.3	Informed Consent	36
	4.3.1 Decisional Capacity or Competence	36
	4.3.2 Voluntariness	38
	4.3.3 Information	38
	4.3.4 Documentation	38
4.4	Advance Directives and Power of Attorney	39
	4.4.1 Advance Directives (ADs)	39
	4.4.2 Durable Medical Power of Attorney for Health Care	39
	4.4.3 Are ADs Valid, Applicable, and Legally Binding?	40
4.5	Ethical Challenges and Solutions in the Context of Emergency Medicine and Intensive Care	42
	4.5.1 Emergencies	42
	4.5.2 Barriers to Informed Consent in the ED/ICU	43
	4.5.3 UN Convention on the Rights of Persons with Disabilities	43
	4.5.4 Lack of ADs and Consequences for the Extent of Treatment	44
	4.5.5 Availability of ADs	45
	4.5.6 How to Make an Ethics-Based Decision	45
4.6	Conclusion	46
	References	46
5	Cultural Diversity	49
	Victoria Metaxa and E. Wesley Ely	
5.1	Introduction	49
5.2	Caring for Critically Ill Patients	50
5.3	When Cultural Diversity Leads to Conflict	52
5.4	Conclusion	54
	References	54
6	Interprofessional Shared Decision-Making	57
	Andrej Michalsen and Hanne Irene Jensen	
6.1	Introduction	57
6.2	Definitions and Evidence Base	58
6.3	Recommendations	59
6.4	Conclusions	63
	References	63

7 Shared Decision-Making With Patients and Families	65
Nancy Kentish-Barnes, Chris Danbury, Julie Benbenishty, and Elie Azoulay	
7.1 Introduction	65
7.2 The Relevance of Shared Decision-Making	66
7.3 Shared Decision-Making in Critically Ill Patients	66
7.4 Families in the ED and the ICU: Shared Decision-Making in a Context of High Emotional Distress	67
7.5 Impact of Shared Decision-Making on Families' Well-Being	68
7.6 Team-Centered Challenges	69
7.7 Strategies to Improve Shared Decision-Making	69
7.7.1 Family Conferences: The VALUE Approach	69
7.7.2 Support for the Family	70
7.7.3 Dealing With Discordance and Conflict	71
7.7.4 Mediation	71
7.8 Conclusion	72
References	72

Part III Extent of Treatment

8 Emergency Medicine and Critical Care Triage	77
Joseph L. Nates and Charles L. Sprung	
8.1 Introduction	77
8.2 Triage in the Emergency Department	79
8.2.1 Triage Scales	79
8.2.2 Patient Flow and Overcrowding	80
8.3 Triage in the Intensive Care Unit	81
8.3.1 Under- and Over-Triage	82
8.3.2 Logistical Challenges/Patient Flow Inefficiencies	82
8.4 Rapid Response Teams/Early Warning Systems	82
8.5 Ethical and Legal Challenges	83
8.6 Other Human-Related Challenges: Variability and Scarce Resources	85
8.7 Conclusions	86
References	87
9 Usage of Cutting-Edge Technology: ECPR	89
Lionel Lamhaut and Alice Hutin	
9.1 Introduction	89
9.2 The Concept of ECPR	90
9.3 Challenges Regarding the Implementation of Prehospital ECPR	91
9.3.1 Inclusion Criteria	91
9.3.2 Accessibility with Regards to Time Limits	93
9.3.3 Distributive Justice and Equality of Care	93

9.3.4	Costs	94
9.3.5	Organ Donation	94
9.4	Conclusions	95
	References	95
10	Usage of Cutting-Edge Technology: ECMO	97
	Onnen Mörer and Michael Quintel	
10.1	Introduction	97
10.2	Acute Respiratory Failure Due to Potentially Reversible Causes	98
10.3	Acting with Informed Consent: A Difficult Task for Acute ECMO Initiation	100
10.4	ECMO Programs: Ensuring Access to Therapy on a National Level While Avoiding Uncontrolled Use	101
10.5	Decision to Withdraw ECMO Therapy	102
10.6	ECMO as a Bridge to Lung Transplantation	103
10.7	ECMO in Brain-Dead Potential Organ Donors	104
10.8	Conclusions	105
	References	105
11	Limiting Life-Sustaining Therapies	109
	Diederik van Dijk, Carole Boulanger, Gavin Joynt, Andrej Michalsen, and Jan Bakker	
11.1	Introduction	109
11.2	General Considerations Regarding the Extent of Treatment	110
11.3	Withholding Versus Withdrawing	111
11.4	An Intensity- or Time-Limited Trial with Life-Sustaining Treatments	112
11.5	Under What Circumstances Is Limiting Life-Sustaining Therapies Permissible, Advisable, or Even Imperative?	112
11.6	How to Withdraw?	114
11.7	Conclusions	116
	References	117
12	Advancing Palliative Care in Intensive Care and Emergency Medicine	119
	Ann L. Jennerich, Susanne Jöbges, and Marietjie Slabbert	
12.1	Introduction	119
12.2	Advancing Palliative Care in the Emergency Department	120
12.3	Advancing Palliative Care in the Intensive Care Unit	121
12.4	Conclusions	123
	References	124
13	Organ Donation and Transplantation	127
	Dale Gardiner and David Rodríguez-Arias	
13.1	Introduction	127
13.2	Organ Transplantation Can Foster Good End-of-Life Care	129

13.2.1	General Accordance with the Patients' and Families' Wishes	129
13.2.2	Free from Avoidable Death	130
13.2.3	Free from Avoidable Suffering for Patients, Families, and Caregivers	131
13.3	Organ Transplantation Can Threaten Good End-of-Life Care.	132
13.3.1	Conflicts of Interest	132
13.3.2	Potentially Disrespectful and Potentially Harmful Practices	134
13.4	Conclusion	135
	References.	136

Part IV Disproportionate Care

14	Disproportionate Care, Ethical Climate, and Moral Distress.	141
	Bo Van den Bulcke and Dominique Benoit	
14.1	Introduction	141
14.2	Disproportionate Care and Ethical Climate.	142
14.3	Results of the DISPROPRICUS Study	143
14.3.1	Measurement of Ethical Climate	143
14.3.2	Patient's Level	143
14.3.3	Clinicians' Level: Intent to Leave and Burnout.	145
14.4	Future Perspectives	146
14.5	Conclusion	146
	References.	147

Part V The Way Ahead

15	To Treat or Not to Treat: How to Arrive at an Appropriate Decision Under Critical Circumstances	151
	Andrej Michalsen and Nicholas Sadochnikoff	
	References.	153

Part VI Epilogue

16	Epilogue: Critical Care During a Pandemic – A Shift from Deontology to Utilitarianism?	157
	Andrej Michalsen, Marco Vergano, Michael Quintel, Nicholas Sadochnikoff, and Robert D. Truog	
16.1	Introduction	157
16.2	Challenges for Emergency Medicine and Critical Care in Epidemics and Pandemics.	158
16.3	Allocation of Resources in Critical Care.	159
16.3.1	When Resources Are Not Scarce.	159
16.3.2	When Resources Are Scarce and Cannot Meet the Demand	159

16.4	Ethical Values for Alloting Scarce Healthcare Resources	159
16.5	Time and Decision-Making Process of Prioritization	160
16.6	Recommendations for Fair Allocation of Scarce Medical Resources in Critical Care During the COVID-19 Pandemic	161
16.7	Conclusion	164
	References	164
Index		167