



Integrating Ethics Into Your Compliance Program

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Introduction

- Why
 - To strengthen compliance program
 - The nature of health care
 - Good business practice
- How
 - Organizational Ethics
 - A function of leadership
 - Competencies

To strengthen compliance

- Operation Restore Trust
 - If this is the goal, can legal compliance alone achieve it?
 - Establish a culture that promotes... “the hospital’s ethical and business policies.”
 - A shift of emphasis from the ethical responsibilities of individuals to those of an organization.

The Nature of Health Care

- Structural changes

“Individual decision-makers increasingly are being supplanted by the rules, standards, and traditions of collective decision processes of organizations which *instruct* and *construct* institutional actions in shaping health care choices.”

Stanley Joel Resiser

The Nature of Health Care

“Physician patient interaction no longer occurs in a practitioner’s office in which the practitioner, alone or in a small group of colleagues, has control over the *structures* that influence the interactions. Instead these interactions occur within large organizations in which the practitioner or a small group of colleagues does not control the rules of engagement. The context of medical ethics can no longer be cases, but institutional structures.”

E. Emanuel, M.D.

The Nature of Health Care

- The nature of health care, the goals of compliance and the exigency for ethics require attention to culture and structures.
- Attention to culture and structures highlights the importance of systems and processes. E.G. IOM study of medication errors.

The nature of health care

- Social legitimacy is the source of its authority and power
 - Legitimacy of health care under challenge
 - Failure to meet perceived public need
 - Declining trust
 - Access
 - Medical errors
- There is an inherent ethical dimension to the challenge of legitimacy.

Good business practice

- The pillars of an organized delivery system
 - Vision (mission and core values)
 - Culture
 - Leadership
 - Strategy
- Holographic Organization

S. Shortell

Good business practice

- Vision statements
 - make sense in the marketplace, and, by stressing flexibility and execution, stand the test of time in a turbulent world
 - are beacons and controls where all else is up for grabs, they define the core business of the company
 - are lived in details and not broad strokes

– T. Peters

Organizational Ethics

- The focus is the moral agency of the organization rather than the moral agency of individuals within it.
- Corporate vision and culture provide the self identity of the organization - its purpose(s) and its ability to organize a diverse group of individuals into a cooperative and collaborative team.

Organizational Ethics

- Articulates its vision and culture in policies and procedures that guide the systems and processes in which work is accomplished.
- The ethical aspects of an organization's vision and culture need to be embodied in policies and procedures.
- Standards of Conduct: the legal, ethical and professional responsibilities of staff

Organizational Ethics

- Ethical Norms
 - Self identity of organization
 - Vision or Mission Statement (core values)
 - Culture - this is the way we do things
 - Stories that arise from a history of service within a community.
 - Professional codes of ethics:
 - American Medical Association
 - American Nursing Association
 - American College of Health Care Executives

Organizational Ethics

- Ethical Norms
 - Social norms/legitimacy
 - Community standards
 - Academic and public discussion of ethical issues
 - Public perception of the duties of health care providers to meet community needs and expectations.
 - Responses to erosion of trust in health care organizations, yet their doctor is great

Organizational Ethics

- The ethical responsibilities of organizations are identified in the creative space between the organization's self identity and its efforts to be responsive to social norms and its need for legitimacy.
 - Responses embedded in culture, policies and procedures that manage the processes and systems through which care is provided
 - The focus of organizational ethics is more on the promotion of good than the avoidance of evil

Organizational Ethics

- Is a leadership responsibility
 - Not the role of the ethics committee
 - Is like the task of compliance
 - Is not a function
 - Requires attention to all aspects of the company and requires the expertise of all the functional areas of leadership (operations, human resources, audit, legal, education)
 - A dimension of compliance

Organizational Ethics

- The transitions from vision to culture to operational systems are essential leadership responsibilities.
 - Are usually accomplished through a leadership team
 - Are usually not accomplished by a CEO independently of his/her leadership team

Competencies

- A competency is a multifaceted reality that includes knowledge, attitudes, traits, motives, skills, experience and behaviors. It can be demonstrated, measured, developed and observed in real actions.
 - Is a predictor of success in leadership.
 - Can be used for selection, assessment, development and promotion purposes

Competencies

- Ethical reflection as a leadership competency:
 - Can identify an ethical issue
 - Can resolve an ethical issue in a manner consistent with the self-identity of the organization and social norms
 - Is familiar with professional codes of conduct
 - Can document the resolution of an ethical issue

Competencies

- Ethical reflection as a leadership competency
 - Demonstrates behaviors and outcomes consistent with vision and culture of the organization as well social norms.
 - Effectively communicates to staff the ethical responsibilities of the organization
 - His/her department consistently demonstrates adherence to the organization's standards of conduct.

Competencies

- The purpose of building ethical reflection as a leadership competency is to achieve the point that it becomes a core competency of the organization
 - As cardiology or nuclear medicine can be a center of excellence, so can ethical reflection and organizational ethics
 - A core organizational skill that differentiates it in the marketplace.