Big Ethics in EMS: Decisions at the system level

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Disclaimers

• Financial: None – unfortunately

• Opinions: Strictly those of the presenters (although based on research) and not of any single agency they have worked for or hopes to work for.

• Check here to accept
Law and Ethics

**Law:**

Written down, codified, and voted on by state and federal legislators

- Based on public safety, economic considerations, consensus about “what’s right”
- Usually a compromise
- Legal penalty for non-compliance
- Can be changed
**Ethics:**
Moral principles that govern a person's or group's behavior

- Professional groups adopt a **code of ethics**
- May be personal to yourself
- It's what we bring to the discussions of what our **organizational policies** should be
- Consensus about “what’s right”
The Intersection of Law & Ethics

What’s right isn’t always right

Legal

Ethical

Safe Zone

Just Culture

New Jersey's
A caveat

- The law doesn’t cover every situation
- Or, different areas of the law may demand you take conflicting actions.
- Planning, documentation, and frank discussion supports your ability to make good decisions in these cases
What are the ethical issues facing EMS?
What are the issues?

- 24+ hr shifts
- Lights and sirens
- Hybrid Targeted Violence
- Violence against EMS
- Transport problems
- Equipment problems
- Infectious diseases
- Drug testing
- HR issues
- Just Culture
Schedules

- Rotating shifts
- 24 + hour shifts
- Platoon schedule
When collisions occur

N = 180
Driving Drowsy Affects Performance

19 hours without sleep is similar to a BAC of 0.05%
24 hours without sleep is similar to a BAC of 0.10%

Ambulance driver charged with driving while intoxicated in Hackettstown

HACKETTSTOWN — A man driving an ambulance for the Hackettstown First Aid & Rescue Squad was charged with driving while intoxicated after driving past the location of a medical call last night, police said.

At about 9 p.m., police responded to Vans Drive for a medical call. While on scene, an officer saw the Hackettstown First Aid & Rescue Squad ambulance allegedly travel past the location of the medical call. The ambulance then arrived on location,
Lights and sirens

Why do we use them
- Justifications
- Myths
- www.monoc.org/PSA2.cfm

What happens if we don’t
- Negligence?
- Public (mis)perception
- Effect on operations
Hybrid Targeted Violence

- Active Shooter
  - Mumbai
  - Virginia Tec
  - Aurora CO
- Domestic Violence
- Training
- PPE
Active shooter – Do we go in?
Situational Awareness Report

Shooting at Renown Regional Medical Center in Reno, Nevada
19 December 2013

(U//FOUO) NJ ROIC Intelligence & Analysis Threat Unit ~ #IAU201312-2594

Overview
(U//FOUO) On Tuesday, December 17, 2013, a gunman fired five rounds with a 12-gauge shotgun in the area of the patient exam rooms inside the Center for Advanced Medicine and Neurology in the Renown Medical Center complex in Reno, Nevada. The gunman killed Dr. Charles Ghoidoian and wounded two female victims before dying from self-inflicted gunshot wounds.¹

(U//FOUO) According to witnesses, the shooter entered the waiting room of the Neurology wing with the 12-gauge shotgun and yelled something to the effect of, “Everybody get out of here,” or “You’d all better get out of here.” The shooter then went to the back room where the doctors and the nurses were working, and shots were fired.²
Do we arm our EMS providers?
Violence in EMS

- Much of the statistics we see are flawed because incidents are not reported.
  - “Part of the job”
  - Repercussions
    - Management
    - Coworkers
  - Reporting is made difficult; possibly intentionally
  - Could pose a financial burden on the victim
Do we arrest our patients

Medic beaten with bat by father high on cocaine at christening party

A male medic was hospitalized trying to protect his female colleague; they responded to a report of a woman having a panic attack, but the father thought they were there to take away his child and attacked them.
Misconceptions

- “Duty to Act”
- “Patient Abandonment”

  “Abandonment is generally defined as the termination of the provider-patient relationship by the provider, without the consent of the patient. The patient who attacks or threatens to attack an EMS provider has functionally granted his or her consent to the termination of the provider-patient relationship.”
http://event.clierems.org/ViolenceEvent.aspx

EMS Voluntary Event Notification Tool

Anonymous reporting

Stats only
Have a violence policy

- Define prohibited acts of violence
- ZERO Tolerance?
- Differentiate between patient and attacker
- Voluntary drug or alcohol intoxication does not constitute “accidental.”
- Outlines mandatory training and refreshers
- Dictate mandatory reporting
- Post-incident procedures
Transport denial

Can we refuse the patient?

- Abusive
- Violent
- No medical need but they want to go
- Take them where they don’t want to go

Bill for call
Do we drug test

Federal Motor Carrier Safety Admin, DOT SS 382.303
post accident drug testing criteria

Collision involving loss of life or
Bodily injury with immediate medical treatment away
from the scene or
Disabling damage to any motor vehicle requiring tow
Court: NYC EMS Workers Allowed to Be Fired Immediately for Refusing or Failing Drug Test

BY BARBARA ROSS
SOURCE: NEW YORK DAILY NEWS
CREATED: NOVEMBER 27, 2013

The Appellate Division in Manhattan ruled the city charter allows the Fire Department to enforce a ‘zero tolerance’ rule against illegal drug use by paramedics and EMTs.
Former Texas Paramedic Gets 8 Years for Intoxication Manslaughter

PATRICK BEACH
SOURCE: AUSTIN AMERICAN-STATESMAN
CREATED: FEBRUARY 11, 2014

Elmore was convicted Monday of two counts of intoxication manslaughter in a 2011 crash that killed two when Elmore drove into oncoming traffic.
EMT Indicted On Murder Charges

Tammy Brewer Driving Ambulance Involved In Fatal 2008 Crash

By Andy Alcock/WLKY

POSTED: 11:38 am EDT August 13, 2009
UPDATED: 6:17 pm EDT August 13, 2009

LOUISVILLE, Ky. -- A Louisville EMT who was driving an ambulance involved in a fatal crash has been indicted on seven criminal charges, including murder and operating a motor vehicle under the influence of intoxicants.

Tammy Brewer, 36, was behind the wheel when that crash took place in April 2008. The patient inside the ambulance, Vickie Whobrey, 54, died of her injuries from the wreck.
Equipment Shortages

Operating without required equipment
- Compare with stationary health care
- Legal requirements v. ethical duty to patients

Using “expired” drugs
- The science behind such labels
- Contraindications
Shortages may force providers to ration care or rely on less effective drugs.
Drug Shortages

Whose decision is it?

- Staff
- Clinical
  - Case by case basis
  - Appropriate choice at that level
- Management
  - Have a policy in advance
  - Give clear direction to staff
  - What if staff has ethical reservations?
Diseases in the news
THERE IS NO PPE THAT PROTECTS YOU FROM EVERYTHING
Termination

- Reportable
- Drug abuse
- Theft
- Forced resignation
Just Culture

A way to look at employee discipline

- Don’t focus on outcome, look at the employee’s choices and actions
- Near miss?
- Ethically, this will hold employees accountable for what they can control, and help us learn from mistakes
Just Culture

- **Human Error**
  - An inadvertent action. A slip, lapse or mistake

- **Risky Behavior**
  - Choosing to do something in a way that unintentionally can impose a chance for harm to occur.

- **Reckless Behavior**
  - The risk is identified but ignored.
### Human Error

**Product of Our Current System Design and Behavioral Choices**

Manage through changes in:

- Choices
- Processes
- Procedures
- Training
- Design
- Environment

### At-Risk Behavior

**A Choice: Risk Believed Insignificant or Justified**

Manage through:

- Removing incentives for at-risk behaviors
- Creating incentives for healthy behaviors
- Increasing situational awareness

### Reckless Behavior

**Conscious Disregard of Substantial and Unjustifiable Risk**

Manage through:

- Remedial action
- Punitive action
QUESTIONS?

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