Making Decisions Ethically in Managed Care Delivery

Presentation for HCCA Managed Care Compliance Conference

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Roadmap

Introductions
Concepts and Definitions
Learning
Case Studies

Background

Managed Care Continuum

Low

Indemnity  PPO  POS  HMO Network  HMO Staff

High
Definitions 1

Rationing

- About Money
  - Private insurance rations on price and ability to pay
  - Medicaid is restricted by income and means-tested asset limits
  - HMOs restrict access to treatment via financial and treatment limits

Definitions 2

Allocation

- Scarce Resources
  - Determining which of several potentially beneficial treatments to provide, during a limited time
  - Mandated Benefits
    - ESRD for Medicare
  - Patient Selection
    - Who gets the liver?
    - Experimental treatment

Definitions 3

Ethics

- What is it?
  - When was the last time you made a decision based on ethics?

- Informed by values
  - Change over time
  - May not be shared by all stakeholders
  - Value conflicts

- Public Square

- Business Ethics
  - Profit
  - Duty
Models of Allocating Scarce Resources

Lottery
First Come First Served
Help Worst Off
Help Most Likely to Succeed
Maximize Benefits
Medical Necessity
Medical Efficacy

Model of Ethical Axes

<table>
<thead>
<tr>
<th>Care</th>
<th>Harm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairness</td>
<td>Cheating</td>
</tr>
<tr>
<td>Loyalty</td>
<td>Betrayal</td>
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<tr>
<td>Authority</td>
<td>Subversion</td>
</tr>
<tr>
<td>Sanctity</td>
<td>Degradation</td>
</tr>
<tr>
<td>(Liberty)</td>
<td>Oppression</td>
</tr>
</tbody>
</table>

Jonathan Haidt, The Righteous Mind, March 2012

Brittany Maynard
1984 – 2014
Ethical considerations in Managed Care

- “Exceptions” to purchased plan benefits
  - Substitution of benefits
  - More expensive services will be needed if exception isn’t covered
  - When exception meets law or regulation but violates plan benefits
  - If you don’t do this she will die (or get worse)
- Conflict between benefit plan and professional Codes of Ethics
- Financial vs clinical goals
- Oversight of delegates?

Case Study 1

Care at any cost
Case Study 2
Conflict between benefit plan and professional Codes of Ethics

Case Study 3
When clinical guidelines change

Case Study 4
Care for the incompetent
## Summary

1. Appreciation for elements in making decisions ethically
   - Duty (conflicts)
   - Communicate the 6 Ethical Axes

2. Value Buddy
   - Develop a work relationship with a colleague who shares your values