

**NATIONAL CENTER FOR ETHICS IN HEALTH CARE**

- 1. REASON FOR ISSUE.** This Veterans Health Administration (VHA) Directive defines the responsibilities of the National Center for Ethics in Health Care.
- 2. SUMMARY OF MAJOR CHANGES.** This is a revised VHA directive that:
  - a. Expands the range of ethical practices of concern to the National Center for Ethics in Health Care to include ethical practices at the beginning of life.
  - b. Provides examples of topics in each domain of health care ethics in order to highlight the range of ethical practices relevant to VHA and of concern to the National Center for Ethics in Health Care.
  - c. Updates the descriptions in the responsibilities section to reflect current office structure and services provided to staff and Veterans.
- 3. RELATED ISSUES.** VHA Handbooks 1004.01, 1004.02, 1004.3, 1004.04, 1004.05, 1004.06, 1004.07 and 1004.08.
- 4. RESPONSIBLE OFFICE.** The National Center for Ethics in Health Care (10P6) is responsible for the contents of this Directive. Questions should be referred to 202-632-8457 or to [vhaethics@va.gov](mailto:vhaethics@va.gov).
- 5. RESCISSIONS.** VHA Directive 1004 dated July 29, 2008 is rescinded.
- 6. RECERTIFICATION.** This VHA Directive is scheduled for recertification the last working day of September 2018.

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## NATIONAL CENTER FOR ETHICS IN HEALTH CARE

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive defines the responsibilities of the National Center for Ethics in Health Care (NCEHC). *NOTE: NCEHC does not regulate, investigate and/or discipline breaches of explicit standards articulated in law, regulation or policy.* **AUTHORITY:** 38 U.S.C. §7301(b).

### 2. BACKGROUND

a. The National Center for Ethics was established in 1991, as a field based national program located in White River Junction, Vermont. With a reorganization in 2002, the renamed National Center for Ethics in Health Care moved its primary office to Washington, DC. NCEHC's multidisciplinary team includes health care professionals, ethicists, and other specialized professional staff located in VA Central Office (VACO) and two satellite office locations in the New York Harbor Health Care System (New York, New York) and the Puget Sound Health Care System (Seattle, Washington).

b. Ethics is the discipline that considers what is right or what should be done in the face of uncertainty or conflict about values. Ethics involves making reflective judgments about the optimal decision or action among ethically justifiable options. Values are strongly held beliefs, ideals, principles, or standards that inform ethical decisions or actions.

c. The range of ethical practices relevant to VHA, and therefore of concern to NCEHC includes:

(1) Shared decision making with patients (how well the organization promotes collaborative decision making between clinicians and patients). This includes topics such as decision-making capacity/competency, informed consent for clinical treatments, surrogate decision making, advance care planning, and limits to patient choice of provider, setting, or unconventional treatment.

(2) Ethical practices in end-of-life care (how well the organization addresses ethical aspects of caring for patients near the end of life). This includes topics such as cardiopulmonary resuscitation, life-sustaining treatments, medical futility, hastening death, and post-mortem issues.

(3) Ethical practices at the beginning of life (how well the organization promotes ethical practices with respect to preconception, conception, pregnancy, and the perinatal period). This includes topics such as reproductive rights, preconception genetic testing, gestational surrogacy, maternal-fetal conflicts, and perinatal care at the threshold of viability.

(4) Patient privacy and confidentiality (how well the organization protects patient privacy and confidentiality). This includes topics such as protecting individuals' interests in maintaining personal space free of unwanted intrusions, controlling data about themselves and nondisclosure of information obtained as part of the clinician-patient relationship.

(5) Professionalism in patient care (how well the organization fosters behavior

appropriate for health care professionals). This includes topics such as conflicts of interest, truth telling, cultural/religious sensitivity, and relationships with patients and families.

(6) Ethical practices in resource allocation (how well the organization demonstrates fairness in allocating resources across programs, services and patients). This includes topics such as resource allocation on a systems level or macroallocation and resource allocation on an individual level or microallocation.

(7) Ethical practices in business and management (how well the organization promotes high ethical standards in its business and management practices). This includes topics such as transparency fairness in hiring, and business integrity.

(8) Ethical practices in research (how well the organization ensures that its employees follow ethical standards that apply to research practices). This includes topics such as research integrity, societal value of research, weighing risks and benefits of research, fairness in the selection of human subjects, informed consent for research, and privacy and confidentiality for human subjects.

(9) Ethical practices in the everyday workplace (how well the organization supports ethical behavior in everyday interactions in the workplace). This includes topics such as respect and dignity in the workplace, obligations to co-workers, and ethical climate in the workplace.

(10) Ethical practices in government service (how well the organization fosters behavior appropriate for government employees). This includes topics such as ethical aspects of government ethics rules and laws, ethical obligations of public servants.

***NOTE:** Any concerns that involve criminal conflict of interest law or Standards of Conduct are matters for the Designated Agency Ethics Official (DAEO). The DAEO, the Assistant General Counsel for Professional Staff Group III, addresses issues involving the application of criminal conflict of interest laws (18 U.S.C. Chapter 11) and the Standards of Conduct for Executive Branch Employees (Title 5 Code of Federal Regulations (CFR) Part 2635). The DAEO, the Alternate DAEO and the deputy Ethics Officials in the Regional Counsel offices and in Professional Staff Group III are the only sources of authoritative advice on criminal conflicts of interest and the legal questions relating to Standards of Conduct. These Deputy Ethics Officials can be contacted at [governmentethics@va.gov](mailto:governmentethics@va.gov). Following the good faith advice of such ethics officials provides the employee with meaningful protection from criminal or administrative sanctions. The imposition of criminal sanctions ultimately rests with the Department of Justice after receiving the matter from the Inspector General.*

**3. POLICY:** It is VHA policy that the NCEHC serves as the primary VHA resource for addressing the complex ethical issues that arise in health care, including issues relating to clinical ethics, organizational ethics, and research ethics.

**4. RESPONSIBILITIES:** NCEHC is tasked with establishing, interpreting, and communicating ethical standards in health care and promoting practice within VA and nationwide that is consistent with those standards. NCEHC works to ensure that VA treats Veterans, their loved ones, and employees with respect and fairness; identifies and honors Veterans' values and preferences; provides care that is consistent with accepted professional

ethics standards; and recognizes and enforces the rights of Veterans and their families. These activities are designed to promote ethics quality in health care, foster patient satisfaction, enhance employee morale, and create a positive organizational culture that supports a highly effective and efficient organization. NCEHC works collaboratively with VA senior leadership, field facilities and program offices to accomplish these tasks. NCEHC's work is aimed at continuously improving VA's ethics-related decisions, actions, systems, processes, environment, and culture by providing analysis, information, education, advice, and support. Leaders and senior staff in VACO and the field can contact NCEHC at 202-632-8457 or by e-mail at VHA Ethics ([vhaethics@va.gov](mailto:vhaethics@va.gov)). Additional information about NCEHC programs, policies, and activities can be found at <http://vaww.ethics.va.gov/>. NCEHC fulfills its responsibilities through the following strategies:

a. **Establishing and Interpreting VA Standards for Ethical Health Care Practice.**

NCEHC identifies, analyzes, and clarifies standards for practice through the development and interpretation of VA national policies on ethical health care practice. It is important to establish standards for staff and leaders to understand what practices are consistent with ethics quality and what is expected of them, which in turn has a direct impact on staff morale and patient care. The identification and analysis of ethics standards in health care is critical so that VHA maintains consistency with developing standards in the field. Policies for which NCEHC has primary responsibility include policies on informed consent for treatments and procedures (VHA Handbook 1004.01), advance care planning and management of advance directives (VHA Handbook 1004.02), ethical aspects of life sustaining treatments (VHA Handbook 1004.3), state-authorized portable orders (VHA Handbook 1004.04), iMedConsent™ software program (VHA Handbook 1004.05), IntegratedEthics® (IE) program (VHA Handbook 1004.06), financial relationships between VHA health care professionals and industry (VHA Handbook 1004.07), and disclosure of adverse events to patients (VHA Handbook 1004.08). Both 1004.01 and 1004.02 are backed by Federal regulation for which NCEHC has responsibility. In addition, NCEHC works with other program offices that are responsible for developing VA national policies with significant ethical implications, such as policies relating to patients' rights and responsibilities, the protection of human research subjects, health information privacy, management of disruptive patients, pain management policies, organ donation after cardiac death, organ transplantation, and care for transgender patients to name just a few. NCEHC develops new ethics-related policies as the need arises. NCEHC works collaboratively with other program offices and the field in the development and implementation of policy.

b. **Promoting a Systematic Approach to Managing Ethics in Health Care.** NCEHC is responsible for developing and implementing systematic approaches to continuously improve ethics programs and practices throughout VA. IE is a transformational program that created a comprehensive, systematic, integrated approach to managing ethics in health care, where prior to launch, there was no clear standardization and the quality in VHA varied widely. IE is based on principles of continuous quality improvement and proven strategies to achieve organizational change. IE encompasses the full range of health care issues encountered in VA and establishes clear standards, roles, competencies, methods and performance metrics for ethics quality in health care. IE is supported by national policy, training programs, validated evaluation tools, and a robust electronic data and communications network. There are three core functions in IE: ethics consultation, preventive ethics, and ethical leadership. Through the ethics consultation function, IE provides assistance to patients, families, and staff to help

them resolve ethical concerns through a standardized, comprehensive approach to ethics consultation (the CASES approach.) Through preventive ethics, teams use a standardized quality improvement approach (the ISSUES approach) to fix re-current ethics problems that were previously not addressed in a systematic way at every facility. Through ethical leadership, IE has clarified the behaviors and actions of leaders that impact the ethical environment and culture of their organization.

**c. Providing Expert Consultation and Education Services to Support Veterans and VA staff.**

(1) **Ethics Consultation.** Ethics consultation in health care is a service provided by an individual ethics consultant, ethics consultation team, or ethics committee to help patients, providers, and other parties resolve ethical concerns in a health care setting. Patients, families, and staff often face ethical concerns when value conflicts arise during the care of a patient. When ethical concerns are not resolved, the result can be errors or unnecessary and potentially costly decisions that can be bad for patients, staff, the organization, and society at large. When employees perceive that they have no place to bring their ethical concerns, they may experience moral distress; a recognized factor in professional “burnout,” which is a major cause of turnover, especially among nurses. By providing a forum for responding to these concerns, effective ethics consultation promotes practices consistent with high ethical standards, helps to foster consensus and to resolve conflict in an atmosphere of respect, honors participants’ authority and values in the decision-making process, and educates participants to handle current and future ethical concerns. Field staff has local access to ethics consultation at their facility. NCEHC acts nationally as a referral site for facility ethics programs when they are unable to resolve issues locally or require additional support and guidance to do so. In addition, NCEHC provides the primary ethics consult function to VACO program offices, the office of the Under Secretary for Health, and VISN Directors. NCEHC consult service also provides ongoing development, coaching, and technical assistance to support field based consultants.

(2) **Ethics Education and Communication.** NCEHC aims to ensure that VA staff appreciate the importance of ethics, understand what behavior is required of them to meet health care ethics standards, and feel empowered to do so. IE, ethics consultation, and ethics policy all contribute to staff and leaders meeting ethics quality standards. However, with more than a quarter of a million employees in VA, NCEHC recognizes that it takes more than just these strategies to ensure that ethics standards are understood and followed by staff. It is also imperative that NCEHC effectively engage staff in ethics through explicit communication, education, training, and outreach. Web-based communication, periodic publications, and regular ethics education forums are key strategies to our engagement with VA staff. NCEHC also supports practice changes with training that focuses on acquiring new skills, not just acquiring new knowledge.

(3) **Special Assignments.** At the direction of leadership, NCEHC takes on special assignments that require expert ethical analysis of complex and controversial ethics concerns and issues. NCEHC systematically reviews literature, collects relevant data, involves stakeholders, and builds consensus. NCEHC then uses clear, compelling writing to convey the analysis and recommendations to leadership, staff, and the external ethics community.

d. **Aligning Information Technology Resources to Support Ethical Practices.** NCEHC develops and disseminates practical automated tools to facilitate the standardization of ethical practice, which ensures that the same high ethical standards are applied consistently to patient care throughout VA. These tools include a multi-functional software program for documenting patient decisions such as informed consent and advanced directives (iMedConsent™), a Web-based system for tracking ethics consultations (ECWeb), and an interactive Web-based advance care planning tool designed for Veterans.

e. **Conducting and Facilitating Systematic Evaluation and Ongoing Monitoring of Ethics Programs and Practices Across VHA.** NCEHC conducts and facilitates systematic evaluation and ongoing monitoring of ethics programs and practices across VHA. To continuously drive practice consistent with the highest ethical standards, NCEHC develops, tests, and implements assessment tools and performance measures and monitors for VACO, VISN, and facility leaders to review current practices as well as gauge progress toward established goals. NCEHC also supports field based analysis of ethics evaluation data. Additionally, NCEHC performs independent analysis of national level data to inform NCEHC program development and the decisions of VA leaders.