Ethics, Values, and Decision Making

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THROUGHOUT HISTORY, USING one's values in personal decision making has implied integrity, ethical behavior, and leadership. I recently viewed a fascinating short documentary by Scott Sniffin titled *Home of the Brave: When Southbury Said No to the Nazis*. The film describes the attempted development of a military camp by the German American Bund movement in Southbury, Connecticut, in 1937 and details the actions of the townspeople to thwart the camp's development despite the fact that doing so would mean giving up an important freedom.

As the Bund was in the initial stages of developing its twenty-fifth military training site in the rural town of Southbury, the townspeople, clergy, and selectman (mayor) held an open town meeting to discuss the camp's development and its implications for the town's residents. The townspeople strongly opposed the Bund's actions and decided at that town meeting not to let the Bund finish developing its site by creating obstacles to doing so. To carry out their task, they instituted zoning laws in the community that prohibited military training camps. While not a unanimous decision, as the townspeople had enjoyed the absence of zoning laws and restrictions, the majority agreed that it was more important to act in accordance with their values, even if they had to give up one of their freedoms in the process. The townsfolk did what they felt was right, demonstrating exemplary leadership, high-values-based behavior, and self-sacrifice.

Today, healthcare executives and caregivers are guided by their respective professional code of ethics, which aims to protect patients, families, employees, and others from harm and mistreatment. An organization's ethical conduct ensures the safety of all who work, visit, or are cared for within its confines.

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Ruth W. Brinkley, FACHE, and John J. Donnellan Jr., FACHE, authors of the feature articles in this issue, reflect on the strong influences of an ethical and values-based culture within an organization. They both conclude that such a culture engenders high moral decision making, empowerment, fulfillment, and success among employees.

The Importance of Organizational Values and Individual Commitment to Those Values

Brinkley raises a number of points that help explain the values that the Southbury townspeople displayed 75 years ago. She states: "Whether spoken or unspoken, values are important because they form the basis of culture, and culture drives performance. An organization's values and culture determine what is expendable and what is essential."

In an environment guided by a moral compass, staff members are allowed to solve problems whose resolutions contribute to the organization's success. And success is addictive and self-perpetuating.

At Greenwich Hospital, the service excellence culture has cascaded through all levels of the organization. From the time an employee is oriented into the facility, he or she learns what service excellence means for the hospital and is educated as to the ethical guidelines staff are expected to follow. Employees are mentored on their unit during the first year of their employment. The parameters are clearly understood and practiced, and they appeal to the inherent good within each employee.

As part of our service excellence culture, employees are given permission to do the right thing for their patients. For example, if a patient leaves his or her slippers at home, the employee can purchase a new pair in the hospital's gift shop without bureaucratic hassle. It is the belief of Greenwich Hospital management, borne out in the patient satisfaction surveys that are conducted continuously, that happy patients lead to happy employees, which lead to increased patient satisfaction and heightened employee confidence to do the right thing when the right thing is in question. Employees' actions are celebrated weekly and monthly at quality award ceremonies; fear of retribution is nonexistent.

Donnellan notes that "Process improvement methods succeed when staff are empowered to call attention to systems that are not working well or processes that can be improved." In an environment guided by a moral compass, staff members are allowed to solve problems whose resolutions contribute to the organization's success. And success is addictive and self-perpetuating.

High staff satisfaction is evident in the hospital's biennial employee satisfaction surveys. Staff who do not embrace the Greenwich Hospital culture do not remain employed in the organization.

Solutions to Challenges of Implementing a Values-Based Culture

The townsfolk of Southbury had strong values and stood up for the rights of other populations, though they themselves were part of the majority. Similarly, we acknowledge that all members of society should have equal access to the same high-quality and safe healthcare as the majority of any one group. Fulfilling this mandate requires an environment of reverence. Brinkley notes that "the value

of reverence requires employees to take time to understand the person with whom they are interacting and to deliver care in a culturally sensitive manner." Employees must respect each other and respect the patients, in particular recognizing that each patient may have unique medical, personal, and cultural differences to the patient in the next room or bed.

The changes in healthcare delivery today include declining reimbursements and increased focus on the Centers for Medicare & Medicaid Services measures for quality, safety, and readmissions in hospitals. Maintaining a healthy bottom line in the midst of such change is increasingly challenging. For example, leaders are charged with the task of growing their organization's market share. To achieve this difficult goal, decisions must be made, the outcomes of which can place the organization high on the scale of moral integrity, relegate it to the bottom, or land it somewhere in the middle. The extent to which the organization succeeds at implementing a values-based culture dictates its position on that scale. The following tools are just two of many that can support ethical decision making in such situations.

Using Evidence-Based Medicine

When first coined, the term *evidence-based medicine* (EBM) referred to the use of therapies that had been tested rigorously to the point of becoming state of the art. More recently, some have questioned the intent of EBM in today's healthcare delivery model, and several issues have arisen as a result.

Some practitioners assert that they have always used evidence in the way they deliver healthcare, whether based on research or experience. Others claim that massive discrepancies and variations occur in clinical practice that lead to unjustifiable and avoidable patient morbidity and mortality. They see an urgent need for a move to EBM to put patients' best interests front and center (Gupta 2003).

An important component of EBM is its use of a checklist, which helps those who apply EBM make sure that no vital steps are overlooked in clinical care delivery. One disadvantage of this tool is the risk of promoting mindless reliance on a set of protocols, which subdues the type of critical thinking that physicians have received years of training to exercise. Another is the tendency to view EBM as the only right way to provide patient care.

Some observers fear that, without a full understanding of its limitations, healthcare institutions may look on EBM as formal policy rather than guidelines, as originally intended. In such organizations, clinicians' failure to follow the guidelines may equate to their failure to follow organizational policy, which may result in penalties to those clinicians, not because the patient suffered but because the institution lost money (Loewy 2007).

Establishing the Moral Compass: The Role of Leaders

At risk in many organizations is the employee's ability to anticipate the correct action the organization should take on everyday decision making. Employees look to their managers to demonstrate the rules and values they abide by and expect their staff to follow. When the organization's values do not guide decision making, chaos in the organization can ensue in the form of a lack of leadership, a loss of direction, inconsistency, poor decision making, and errors. Employees may

become fearful and uncertain as to how to act in particular situations. As Brinkley aptly states, "An organization where values do not guide decision making often has a history of unsatisfactory patient, physician, and employee experiences . . . and overall poor performance."

In the family of Yale New Haven Health organizations, of which Greenwich Hospital is a part, the leadership practices emanate from the top. The Greenwich Hospital president and CEO is the loudest cheerleader of service excellence. Each week, he holds standing meetings with managers to review issues that have arisen in patient questionnaires, follow-up calls to patients, walk-arounds in the clinical areas, and other activities. The CEO lives and breathes the culture, and his employees see it through the support they receive. This is one reason Greenwich Hospital has been acknowledged as a leader in service excellence and remains a highly successful patient-centered organization.

As our healthcare organizations operate in these uncertain times of healthcare reform, a strong sense of who we are, why we do what we do professionally, and why we decided to become healthcare managers will be needed to guide us in making the right decisions.

Bolstering this culture is consistency of beliefs and behaviors among Greenwich Hospital leaders across time. This consistency provides a strong platform for employees to learn how to think and behave. It is the culture—Greenwich Hospital's vision and values—that defines this organization. As Donnellan states, "An organization's ethical culture includes the values and beliefs that underlie day-to-day decision making as well as the observable daily behaviors and interactions of staff."

What Is at Risk When Values Do Not Guide Decisions?

What would have happened if the town leaders of Southbury had not taken the time to reflect on the ultimate purpose of the Bund's military training base and weigh it against their values? The lack of action would have led to the development of the twenty-fifth Bund military training site in the United States. Its presence in Southbury would have conflicted with the townspeople's values and beliefs in democracy, freedom, integrity, and sense of tolerance.

Healthcare ethics represent moral values and behaviors that are, on the whole, accepted by society. Ethical behavior that is rooted in documented statements protects patients and families from mistreatment, neglect, and abuse. Many professions within healthcare have their own code of ethics. For example, physicians take the Hippocratic Oath: "First, do no harm." Adherence to the American College of Healthcare Executives' *Code of Ethics* is a requirement of membership, and Members who aspire to become a Fellow of ACHE must demonstrate knowledge of ethics to pass the Board of Governors Examination in Healthcare Management (ACHE 2011).

Similarly, hospitals and healthcare organizations have ethics codes that they expect all of their employees, physicians, and volunteers to follow. Among the prevalent ethical issues faced by staff, clinicians, and volunteers are palliative care and death, the patient's right to information, the patient's right to make care choices, protection of healthcare information, and expectations of a standard of behavior among those providing care.

One case related to patients' rights involved a woman in her mid-60s who was very ill from multiple chronic diseases and close to death. In her advance directive, written when she was already quite ill and not fully lucid, she stated a desire for clinicians to do everything possible to keep her alive so that her body could be preserved cryogenically until such a time that it could be reanimated. The woman's family was divided over this request. The oldest daughter, designated as the healthcare proxy, supported her mother's wishes, whereas the patient's husband and three other children did not.

Not until she was close to death did the hospital staff learn of her wishes. The patient's physician realized that neither the woman nor her daughter had prepared for cryogenic preservation—they had not even initiated the multiyear process whereby a cryogenics company assesses and approves the patient as a candidate for preservation.

Armed with this additional information, the physician met with the hospital's ethics committee. The patient was actively dying; the daughter refused to allow a natural death and requested that her mother be resuscitated. The clinical staff were opposed to resuscitation in this circumstance, so the matter was taken before a judge, who ruled that the patient should be allowed to die naturally. One of the key elements at question was how serious the mother and daughter were about cryogenic preservation, considering they had not prepared for that eventuality.

However, to appease the daughter and help her process the death of her mother, the staff put ice around the body when the patient died. The action helped the daughter feel she was faithful to her mother's wishes. Ultimately, the staff's position was, "How do we help the living?"

In this ethical dilemma, the hospital demonstrated that in order to respond in the patient's best interests, it had to provide a medically appropriate range of options to the family. The patient and family can make the decision, but if that decision compromises the best interests of the patient, the hospital has the right to decide how to proceed with care, or transfer the patient if the hospital cannot provide the care needed (Coletti 2013; Lopez 2013).

Conclusion

Brinkley and Donnellan both conclude that such a culture breeds highly moral decision making, empowerment, fulfillment, and high performance among the employees.

As our healthcare organizations operate in these uncertain times of healthcare reform—and much more uncertainty will unfold in the years to come—a strong sense of who we are, why we do what we do professionally, and why we decided to become healthcare managers will be needed to guide us in making the right decisions. All healthcare professionals—administrative and clinical—are expected to act in the best ethical interests of the patient and the community.

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WHO'S TO BLAME FOR THE ENRON BANKRUPTCY?

TOM BROKAW, anchor:

There's a new twist in the bitter blame game tonight between executives and employees of Enron, the giant energy company now struggling with bankruptcy. That brings us to the NIGHTLY NEWS QUESTION: Before Enron, what was the largest corporate bankruptcy ever?

The answer, Texaco. It filed for bankruptcy in 1987 to avoid paying huge penalties in a lawsuit. Its assets at the time were almost $36 billion. Enron's are far more, some $63 billion. Now, the question: What went so wrong? Who's really going to pay? Here's NBC's Lisa Myers.

LISA MYERS reporting:

Today, shell-shocked former Enron employees attend a job fair at the Houston Stadium bearing the company name. Asking questions now being pursued by Congressional committees and criminal investigators. How could this happen?

Unidentified Man: The house of cards fell down and it--it was strictly a house of cards.

Unidentified Woman: We think it was bad management. Greed. Bad accounting practices.

MYERS: One factor, experts say, arrogance. Enron's political connections were golden. Enron and its chairman, Kenneth Lay, seen here at the game with George W. Bush, were among Bush's biggest contributors. When the Bush energy plan was drawn up, Enron was at the table. But since Enron's collapse, flashy connections have not shielded the company.

Representative RICHARD BAKER (Republican, Louisiana): This may be the single most exceptional egregious example of corporate conduct I've seen in many, many years.

MYERS: The facts, Enron's stock, once $90 a share, today closed at 63 cents. Managers were rewarded with $100 million in bonuses, even as 4,000 workers are laid off. Executives cashed in hundreds of millions of dollars in stock before it lost all value, but workers were restricted from selling stock in their 401(k) during a key period. Today, the company insists workers had adequate notice of the freeze. The Padgetts lost their entire retirement, $600,000.

Ms. KAREN PADGETT: Our financial future, just taken away from us. It's devastating.

MYERS: This year, Fortune magazine declared Enron the nation's most innovative company. As it turns out, what was most innovative was its accounting. Overstating its value by $1.2 billion. Hiding $500 million in debt. Congress already is focusing on Enrons' auditor, Arthur Andersen, which now claims the company withheld critical accounting information.

Representative JOHN DINGELL (Democrat, Michigan): This is a major calamity for the accounting profession.

MYERS: Experts say it may be years before we really know what went wrong, and whether someone is going to jail. And they warn, it could happen again. Lisa Myers, NBC News, Washington.

WORLDCOM LAYOFFS BEGIN

BRIAN WILLIAMS, anchor:

Now to the ongoing disaster at WorldCom and the huge financial losses suffered by so many. The layoffs started today, about 20 percent of the work force. And at the same time, word of another accounting mess at another big company. Here with that, NBC's Anne Thompson.

ANNE THOMPSON reporting:

At WorldCom offices across the country today, employees get the bad news.

Ms. KIMBERLY SPENCER (Laid-off Worker): They called me into an office, gave me some papers and said, `Well, you know, we're sorry about this, but, you know, we have to let you go.'

THOMPSON: Handing out the first wave of pink slips, eliminating 17,000 jobs. At the same time, WorldCom treating its top sales people to a three-day all-expense paid vacation at this posh resort in Hawaii. The inner circle weekend, an annual event, this year at the Grand Wailea Hotel in Maui where rooms go for $435 to over $10,000 a night, adding insult to injury for WorldCom workers let go.

Unidentified Man: I don't trust those people who made those decisions, and I think that they should punished.

THOMPSON: And more revelations of corporate shenanigans. Today, Xerox, the latest company to come clean about how it manipulated numbers to improve its balance sheet. Trying to stay ahead of the growing outrage, President Bush demands Wall Street acts swiftly to restore America's trust.

President GEORGE W. BUSH: Corporate America has got to understand there's a higher calling than trying to fudge the numbers, that you have a responsibility in this country to always be above board.

THOMPSON: But the Democrats, encouraged by a national poll showing some erosion in Bush's approval rating on the economy, accuse Republicans of contributing to the problem.

Representative RICHARD GEPHARDT (Democrat, Minority Leader): They created an environment in which corporations and some of their leaders went out of control.

THOMPSON: The damage goes far beyond the WorldCom workers fired today. The nation's largest state pension fund suffering a $598 million hit on WorldCom alone.

BERNARD MADOFF SENTENCED TO 150 YEARS FOR FRAUD SCHEME

BRIAN WILLIAMS, anchor:

It's now likely Bernie Madoff will die in jail. He's been convicted of running, as you know, the biggest swindle in history, and today was sentencing day. His betrayal of his investors left some of them completely destitute. And today he expressed remorse right before the judge threw the book at him. CNBC's Scott Cohn is outside the courthouse in Manhattan.

Scott, good evening.

SCOTT COHN reporting:

Good evening to you, Brian. For nearly an hour here today, their raw emotions filling a very large courtroom, victims of the biggest Ponzi scheme in history pummeled Bernie Madoff with their stories, stories of destroyed trust and shattered dreams.

They called Bernard Madoff a "beast," a "monster," an "equal opportunity destroyer" as Madoff, appearing thin and emotionless, slumped deeper and deeper in his chair.

Ms. SUSAN LISSAUER (Madoff Victim): What's terrible is that he's ruined my trust in people. I used to be an unbelievably trusting people, maybe too much so, and now I just don't trust anyone anymore. So he's changed me as a person.

COHN: Then it was Madoff's turn to speak. "I cannot offer you an excuse for my behavior," he said softly, "I live in a tormented state knowing all the pain and suffering I have created." Then, looking at his victims for the first time, he said "I will turn and face you. I am sorry and I know that doesn't help you."

Ms. PATRICIA SILVER (Madoff Victim): Thank God we have our health and we have the love of our friends and family, which neither Madoff can really say at this point.

COHN: Judge Denny Chin was also unmoved, calling the fraud "staggering" and "unprecedented" and saying "symbolism is important." He sentenced the 71-year-old Madoff to the maximum, 150 years. And the courtroom briefly erupted in applause. But Madoff's attorney, Ira Lee Sorkin, in an exclusive interview, says he's concerned about the message the sentence sends, given that Madoff turned himself in.

Mr. IRA LEE SORKIN: And he could have just as easily picked up the phone, book an airplane flight, go out to the airport, wire the money in one day and be out of the United States. It didn't happen overnight. So I think there's something that needs to be considered with respect to the message.

COHN: But the judge and the victims say the fact that so many suffered financially and emotionally makes Bernard Madoff's crimes extraordinarily evil.

And now Bernard Madoff's wife, Ruth, is speaking out for the first time in a written statement, not charged but still under investigation. She said she's embarrassed, ashamed, betrayed and confused. The man who committed this horrible fraud, she says, is not the man she knew for these many years. That man, Bernard Madoff, is now jailed in New York, bound eventually for a federal prison.

WILLIAMS: Scott Cohn in lower Manhattan here in New York for us tonight. Scott, thanks.

1989 NEWS REPORT ON EXXON VALDEZ OIL SPILL

ANNOUNCER: NBC Nightly News, reported this evening by Mary Alice Williams.

MARY ALICE WILLIAMS, anchor:

One of America's most magnificent waterways is blackened and befouled tonight by the biggest oil spill in American history and despite an all hands containment and clean up effort, the wild life and economy of Alaska's Prince William Sound are suffering a grim environmental catastrophe. NBC's David Burrington is there.

DAVID BURRINGTON, reporting:

It's not only the worst oil spill in U.S. history. It's by far the largest, in such a remote pristine area, which means problems for the environment. Dead sea lions have already been spotted. It also means big trouble for fisherman on Prince William's Sound, who've been waiting for the herring season to start in a few days.

FISHERMAN #1: Its bound to happen sooner or later. It has happened.

FISHERMAN #2: We're getting ready for herrings, you know, there might never be a herring.

BURRINGTON: The tanker, the Exxon Valdez, had just loaded more than a million barrels of Alaskan crude. It was about twenty-five miles from the Valdez terminal, and was apparently trying to dodge ice flows from the nearby Columbia Glacier, when it ran aground.

Petty Officer JOHN GONZALES (Coast Guard): They were maneuvering around some ice, supposedly from the Columbia Glacier. They were trying to maneuver around it...how she got over that far is trying to be determined.

BURRINGTON: The outflow from the tanker has now slowed to a trickle, more than half the oil still on board. Oil workers hope to off load that, and they've started trying to contain the six-mile long oil slick by using a ring of floating booms. But so far, very little has been accomplished.

RIKI OTT (Fishermen's Cooperative): This should have been the easiest spill in the world to clean up. It was inside in protected waters. The water has been flat, calm. The boom equipment was accessible, and yet this tanker was not boomed and still hasn't been boomed.

BURRINGTON: Alaska's Governor, Steve Cowper, said there's not enough equipment in all of North America to clean up the spill. And one leading oil pollution expert was not optimistic.

RICHARD GOLOB (Oil Pollution Expert): The cleanup will be a nightmare, most likely. The impact on the environment also promises to be severe.

BURRINGTON: Exxon officials insist they're moving as fast as they can to clean up the spill.

FRANK IAROSSI (President of Exxon Shipping): I want to assure everyone that Exxon is mobilizing all available resources to mitigate the impact from this incident. Exxon has assumed full financial responsibility for the incident.

BURRINGTON: Eight of the thirteen tanks on the Exxon Valdez have ruptured, and there's concern about the stabilities of the other tanks, which contain far more oil then what has leaked so far. David Burrington, NBC News in Southern Alaska.