Ethical conflicts during the process of deciding about ICU admission: an empirically driven ethical analysis

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ABSTRACT
Background Besides balancing burdens and benefits of intensive care, ethical conflicts in the process of decision-making should also be recognised. This calls for an ethical analysis relevant to clinicians. The aim was to analyse ethically difficult situations in the process of deciding whether a patient is admitted to intensive care unit (ICU).

Methods Analysis using the 'Dilemma method' and 'wide reflective equilibrium', on ethnographic data of 45 patient cases and 96 stakeholder interviews in six UK hospitals.

Ethical analysis Four moral questions and associated value conflicts were identified. (1) Who should have the right to decide whether a patient needs to be reviewed? Conflicting perspectives on safety/security. (2) Does the benefit to the patient of getting the decision right justify the cost to the patient of a delay in making the decision? Preventing longer-term suffering and understanding patient’s values conflicted with preventing short-term suffering and provision of security. (3) To what extent should the intensivist gain others’ input? Professional independence versus a holistic approach to decision-making. (4) Should the intensivist have an ongoing duty of care to patients not admitted to ICU? Short-term versus longer-term duty to protect patient safety. Safety and security (experienced in a holistic sense of physical and emotional security for patients) were key values at stake in the ethical conflicts identified. The life-threatening nature of the situation meant that the principle of autonomy was overshadowed by the duty to protect patients from harm. The need to fairly balance obligations to the referred patient and to other patients was also recognised.

Conclusion Proactive decision-making including advance care planning and escalation of treatment decisions may support the inclusion of patient autonomy. However, our analysis invites binary choices, which may not sufficiently reflect reality. This calls for a complementary relational ethics analysis.

INTRODUCTION
There has been a call in the medical ethics literature for methods of bringing philosophical and social research traditions together to explore the ethical dimension of the clinical context and to derive normative claims from empirical situations.1 2 In this paper, we describe the application of an ethical analysis approach used in the clinic3 on empirical data from a UK project of clinical decision-making around referral and admission to intensive care.4 We also draw wider normative recommendations to support decision-making in this situation.5 6

We define ethically difficult situations as 'situations in which you experience unease or uncertainty of what is right or good to do or are in disagreement about what should be done'.6 In the literature, descriptions of these situations in relation to intensive care unit (ICU) are usually around headline life and death issues regarding patients already admitted7 and there is little literature on decisions to refer or admit to ICU. To address this gap, a multidimensional mixed methods project 'Understanding and improving the decision-making process surrounding admission to the intensive care unit' was conducted.8 9 The initial ethnographic study of decision-making around admission to ICU revealed a decision-making process that included the following steps making and receiving a referral, gathering information about and simultaneously caring for the patient, making the decision and simultaneously caring for the family, implementing the decision and dealing with consequences.10 In addition to explicit ethical dilemmas around balancing burdens and benefits of treatment, we identified more or less implicit ethically difficult situations at each step of the timeline, which called for ethical analysis.

The 'Dilemma method' was initially described and developed as a conversation method to use in moral case deliberation, a model of clinical ethics support in the Dutch healthcare system.11 Its theoretical underpinning is in hermeneutics.12 13 The core element is the focus on one concrete dilemma and the experiences of participants in daily practice. Rather than using an a priori ethical framework, 'knowledge and moral judgments are constructed and examined in and with practice itself'.2 We have adapted this model as a research method for empirical ethical analysis. We use the method to focus on an individual ethical dilemma and then extend our analysis to make more general normative claims about similar types of situation drawing on 'wide reflective equilibrium'.14 15

In summary, this paper makes two novel contributions: (1) consideration of implicit ethical conflicts during the decision-making process for admission to ICU and (2) the use of a clinical ethics support method in the analysis of research data. Thus, the aim of this paper was to analyse ethically difficult situations during the process of deciding whether a patient should be admitted to ICU, using empirically driven ethical analysis.

METHOD OF THE ETHNOGRAPHIC STUDY
Design This is a focused ethnographic study.4 10

Setting and sample Six hospitals in England were sampled for diversity of type of hospital and ICU unit size. A researcher (MS) shadowed intensivists receiving acute referrals for ICU admission from medical, surgical and emergency
departments, observing decision-making processes regarding 45 patients. Ninety-six post observation interviews were held in total with intensivists (ICU consultants and ICU registrars), referring doctors, outreach nurses, patients and family members (table 1).

Data collection
Observation sessions took place within a 3-week period at each hospital. During an observation period, the researcher (MS) accompanied intensivists responding to referrals they received. The intensivist introduced the researcher to the patient and/or their family member and sought their permission for the researcher to observe the conversation. Field notes were taken during the observations. Semistructured interviews with clinicians and family members were carried out by MS as soon as possible after the observed decision, and with patients in their homes 3 months after decision. Clinicians were asked to give their account of the observed decision-making process and also their experience of the decision-making process more generally. Patients and family were asked to describe their experience of the situation. All participants provided written consent for participation in the interviews. The digitally recorded interviews varied in length between 5 and 80 min (mean 17 min) and were transcribed verbatim.

Qualitative analysis
Observation field notes and interview data were analysed using the Framework method,15 facilitated by the software program NVivo V.11 (QSR International). A detailed description of the analysis is provided elsewhere.4 Codes relating to ethically difficult situations were extracted from the main analysis and selected for ethical analysis as described below.

THE ETHICAL ANALYSIS
To provide an ethical analysis of our identified ethically difficult situations, we adapted the ‘Dilemma method’ used in moral case deliberation3 (see table 2). The process of analysis includes presenting the situation (ethnographic storytelling 10), formulating the moral question, formulating options, describing perspectives and values at stake, identifying the ethical conflict(s), balancing between ethical principles and modifying options (table 2). For the balancing, we drew on ‘wide reflective equilibrium’5 14 in order to make general claims (table 2).

AS (ethicist with background in general practice) facilitated the iterative moral case deliberation (MCD) meetings. The case presenter was MS (the ethnographic observer, ICU nurse, ethicist), who brought in a total of four ethically difficult situations, captured along the timeline of the decision-making process. The other participants were an intensivist (CB), a former ICU patient (CW) and a general practitioner/social scientist (FG). Stakeholders in the analysis were mostly clinicians, as few patients and family member interviews were obtained, but MS tried to represent their perspective, based on observation.4

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Table 1  Demographic data of participants in the observed decision events and dropout reasons

| Patients          | Observed | Interviewed | Family        | Observed | Interviewed |
|-------------------|----------|-------------|---------------|----------|-------------|
| N                 | 45       | 3           | N             | 42       | 13          |
| Female/male, N    | 27/19    | 1/2         | Female/male, N| 25/17    | 6/7         |
| Age mean (range)  | 61 (19–94) | –           | Relation to patient | Daughter/son | 23 | 6 |
| Reasons for not being interviewed | 15 | | Parent | 6 | 2 |
| Death             | 2        | | Spouse/partner | 16 | 4 |
| Declined participation in hospital/declined later or lost contact | 4/8 | | Daughter-in-law | 3 | 1 |
| Missed to be approached by MS or hospital research nurse | 13 | | | Sibling/niece/grandchild | 7 | – |
| Reasons for not being interviewed | | | Declined | 6 |
| | | | Not asked due to distress | 7 |
| | | | Not available/no response to initial information | 9 |
| | | | Other family interviewed instead | 7 |

Clinicians

| Total N=80 | Consultant | Registrar | Junior doctor | Outreach nurse* |
|-----------|------------|-----------|---------------|-----------------|
| Female/male, N | 25/55 | 6/26 | 10/25 | 3/3 | 6/1 |
| Age mean (range) | 42 (25–60) | 46 (34–60) | 34 (27–52) | 31 (25–40) | 44 (28–60) |
| Years experience in current specialty, mean (range) | 8 (0.1–22) | 10.0 (0.5–22) | 4 (0.1–20) | 2 (0.2–4) | 8 (0.3–15) |
| Years experience since graduation, mean (range) | 17 (1–41) | 23 (10–36) | 10 (4–29) | 4 (1–12) | 44 (28–60) |
| Specialty | | | | |
| Intensive care | 55 | 23 | 19 | 0 | 7 |
| Medical specialties | 15 | 7 | 8 | 6 | 0 |
| Surgical specialties | 4 | 1 | 3 | 0 | 0 |
| Acute/emergency medicine | 6 | 1 | 5 | 0 | 0 |

*Critical care outreach nurses, supporting ward nurses and doctors who are caring for acutely ill inpatients.
Table 2  The ethical analysis process inspired by the ‘Dilemma method’ and ‘wide reflective equilibrium’

| Analysis process                                      | Adapted Dilemma method for research purposes | Corresponding steps in the Dilemma method |
|-------------------------------------------------------|---------------------------------------------|------------------------------------------|
| Presenting the situation                              | Prior to the deliberation, MS presented written descriptions of four recurring ethically difficult situations from an observer perspective (Boxes 1–4). The situations were derived from between 1 and 4 of the 45 cases observed in the ethnographic study, and presented in a storytelling format. The condensed descriptions originated from field notes and interviews. | Step 2. Presentation of the case. The case presenter is asked to provide short but thick description of the facts about a situation where he/she has experienced a moral issue at stake. The focus is on the ‘moment of heat’, which implies a situation experienced strongly as a moral dilemma within a specified timeline. |
| Formulating the moral question                        | Formulation of the moral question arising from the situation and two opposing normative options emerged through dialogue in the analysis group where the perspectives of the case presenter/observer and the interviewees were considered. MS also tried to bring the perspective of the patient. MS presented a preliminary analysis including field notes and interview transcripts (figure 1 and online supplemental file) which was scrutinised, shifting between formulation of the moral question/options and clarifying questions, facilitated by AS. | Step 3. Formulating the moral question and Step 4. Clarification. The case presenter sketches the case, making the moral question explicit, for understanding of what is morally at stake. The facilitator helps to formulate the question by asking questions and also helps to formulate the dilemma as two opposing options (A and B). The facilitator invites participants to ask questions for clarification. The aim is to reconstruct the situation and to foster an understanding by imagining themselves in the shoes of the case presenter at the moment of heat. |
| Identifying perspectives, values and at stake          | We identified values related to the perspectives of those involved in the situation (figure 1). This was an iterative process shifting between articulated arguments and norms identified in the research data that reflected values that supported each specified normative option (A or B). Quotations from interviewees and field notes were used to tease out the perspectives and values and demonstrate trustworthiness of the analysis (online supplemental file). | Step 5. Analysing perspectives, values and norms. The facilitator asks the participants to jointly construct a list of relevant values and norms for each perspective (stakeholder). This includes values and norms either supporting option A or B. |
| Identifying the ethical conflict                       | The group identified which values were under pressure, including tensions both within and between values, and developed a joint formulation of the ethical conflicts. | Step 8. Dialogical inquiry. The facilitator helps the participants to find the values under pressure, whether both options are based on the same values or different values for the same option. Here the participants learn to see others’ perspectives. |
| Balancing between options and ethical principles       | In finding justifications for option A and B, we added ‘wide reflective equilibrium’ in order to make general claims. We modified our considered judgements through an iterative process seeking coherence from a ‘wide’ scope of moral views (our own and those of participants), principles, theories and facts, moving the options closer to each other=equilibrium. | and Step 7. Individual choice. The facilitator asks each of the participants to give personal viewpoints, answering questions about justifications for choosing option A or B. This enables learning from each other’s reasoning. |

Situation 1: disagreement between the intensivist and the referring doctor regarding the appropriateness of a referral

**Presenting the situation**

This situation was embedded in observed social conflicts between intensivists and referring doctors (box 1).

**Formulating the moral question**

The initial formulation of the moral question, “Should all referrals be respected?” developed eventually through deliberation into the following question and opposing options: Who should have the right to decide whether a patient needs to be reviewed for consideration of life-support? Two alternative options: A. The referring doctor has the right to demand a review. B. The intensivist has the right to decline review (figure 1).

**Identifying perspectives and values at stake**

For this situation, the perspectives of referring doctors and intensivists were drawn directly from the data but the perspectives of patients were inferred and were advocated for by the clinicians. The referring doctors mainly supported option A but the intensivists’ perspectives were more mixed, representing views supporting both options. The values and associated arguments supporting each perspective are presented below, but see also further quotes and field notes in online supplemental file, table 3.

**Medical safety** implied protection from physical harm, either associated with treatment or from having an unrecognised deterioration. From the perspective of the referring doctors, medical safety of their patient was seen as reflecting the implicit value that their patients would hold in wishing to be kept safe. Safe could either mean an intensivist’s watchful eyes or to be moved to ICU. They argued that they were in the best position to assess this as they had seen the patient and had the relevant information to be able to make a judgement about the need for referral. They were concerned that an intensivist who had not seen the patient would make assumptions and therefore not adequately consider the potential benefits and harms of admission “he picked up on why I was calling them… ‘Exactly how old is the patient?’ Oh it frustrated me … I think you need to see a patient before you can write them off” (online supplemental table 3).

For those intensivists whose perspective appeared to support option B, the value of patient safety was perceived more in terms of representing other patients, as the gatekeeper to access for scarce ICU resources in relation to others who may be in greater need of their attention. Many intensivists argued for

**Box 1  The ethically difficult situation: observed and experienced social conflict during a referral between the intensivist and the referring doctor, drawing on composite cases**

The intensivist on call receives a phone call in the hospital corridor on his way from reviewing a patient to his consultant to ask for advice. It is a junior doctor on a medical ward, speaking rapidly, saying that her patient is breathless and that he needs to be admitted to ICU. The intensivist asks about the patient’s blood gas results, but there are none. The intensivist experiences the referral as unclear and impolite and is not keen to review “I wasn’t certain why that referral was made … She should give a clear reason for calling and she should be able to explain what the concerns are … demanding a service rather than asking for an opinion”. The referring junior doctor experiences the intensivist as dismissive and resistant to reviewing the patient: “I said this patient is unstable, and I think it could have got maybe a little slicker if the intensivist had been more receptive”. She feels stressed, having to manage the ward on her own without senior support and she is in need of competent support. The doctors seem to have different perceptions about what should be expected of each other.

Extracts from the decisions number 5 hospital 1, number 6 hospital 3 and number 2 and 3 hospital 5
more informative referrals, in order to prioritise which patients
needed their attention most urgently: “it was quite annoying
because if she (referring doctor) had assessed the patient and
done the gas, it wouldn’t have occurred … we pulled the ITU
doctor away from doing something else” (online supplemental
table 3). However, others suggested that insisting on a well-
preserved referral (rejecting unclear referrals) might put critically
ill patients at risk, and preferred to rely on the referring doctor’s
judgement.

Professional security (figure 1 and online supplemental table
3). Referring doctors valued the experienced security of having
the intensivist coming to see the patient, and of being able to
meet the intensivist face to face. This was also recognised by
intensivists “my reasons for being a soft touch is that I think that
by the time the wards have called us they’ve tried many things”
(online supplemental table 3).

Professional responsibility. Intensivists emphasised the need
for referring doctors to assume professional responsibility,
expecting them to assess and treat patients under their care
competently and not offload this responsibility to the intensivist
by premature or unnecessary referrals. They also needed refer-
ing doctors to provide accurate and comprehensive information
to enable the intensivist to prioritise which patients most needed
their attention. Intensivists felt they had the right to decline
a review that lacked the structure of the communication tool
SBAR (Situation, Background, Assessment, Recommendation).
They also expressed irritation at what was perceived as manipu-
lation of the presentation to secure an ICU review by describing
patients as more ill than they actually were: “they always say
that they are tiring” (online supplemental table 3).

Identifying the ethical conflicts
The MCD group identified an internal conflict within the
value of medical safety, experienced by the intensivist group
and regarding the referred patient as opposed to other
patients. There was also an identified tension between the
referring doctors’ need for professional security and the
intensivists’ need for the referring team to assume respon-
sibility (figure 1). The group identified that the key ethical
principle at play was that of minimising or protecting patients

Figure 1 Summary of the key ethical conflicts in the ethical analysis; values conflicting within and between different
perspectives (stakeholders) during the decision-making process. ICU, intensive care unit.
Box 2  Ethically difficult situation 2: observation of intensivist gathering information

The intensivist is called to the resuscitation room in the emergency department. The patient is half sitting with bare chest on the stretcher and repeatedly tries to rip off the oxygen mask. She tries to lean forward, she is sweating, out of breath and her eyes seem to express despair. The environment is chaotic, the resuscitation room is full of patients, and many staff are performing medical procedures; you can hear a patient screaming on the other side of the curtain. The intensivist approaches the patient and asks questions about her previous treatment and mobility in a loud voice; such as ‘Do you get up and down the stairs? Can you walk on the flat without being out of breath?’ The patient answers yes to all the questions (later the intensivist learned from the family that the answers were incorrect). Then the intensivist decides that an arterial gas is needed and begins the procedure to insert an arterial catheter, but it is problematic. The patient groans and wriggles: ‘Please let me go’. The intensivist turns to me: ‘I really need a gas’. Staff are holding the patient and repeat: ‘Keep still, please, please, don’t move’. An emergency doctor shouts: ‘Give her morphine’, but the intensivist responds that he wants to prevent intubation. After a while, the intensivist approaches the patient at the headboard again. He asks: ‘Have you thought about what happens if you get worse?’ No answer. ‘Do you want dialysis?’ The patient nods. ‘Would you be put to sleep on a breathing machine?’ Patient rotates her hands, eyes widening. The intensivist calls his consultant and they discuss the need for a scan before a decision is made, but also that ICU may be the best comfort for the patient at this stage. Then, her granddaughter is guided in by a nurse, the patient smiles, calms down, nods off, the pulse on the screen lowers. Extracts from the cases number 4 hospital 2, number 4 hospital 3, number 1 hospital 4 and number 5 hospital 5.

Two initial moral questions were posed by MS: “Is it right to ask life and death questions to a patient struggling to survive?” and “Must the patient endure suffering between referral and decision? Following discussion, the moral question was articulated as: Does the benefit to the patient of getting the decision right justify the cost to the patient of a delay in making the decision?

A. As much information as possible should be gathered before making a decision to ensure that it is in the patient’s best interests.

B. The decision should be expedited to provide immediate relief of symptoms and reduce potential harm from treatment delay (figure 1).

Identifying perspectives, values and norms at stake

No one involved in these situations explicitly expressed concern about suffering to the patient caused by gathering information and delayed decisions, but we see the patient and the intensivist as the key stakeholders in this situation (figure 1 and online supplemental file, table 4).

For the patient, a sense of physical and emotional security appeared to be the key value from their perspective. In these situations, most patients seemed to lack capacity to hold a meaningful conversation about their treatment. Patients expressed afterwards that they preferred to let the doctors make the decisions “the doctors know what they’re doing. It’s no good saying to me, ‘What do you think about it?’ because I haven’t got a clue” (online supplemental table 4). Being able to trust their doctor was important and contributed to a sense of security. MS observed that patients were less distressed when the doctor was calm, experienced and competent, and by the presence of a familiar person.

Intensivists expressed a concern to prevent long-term suffering by reducing the risk of an incorrect decision being made to admit the patient to ICU or provide invasive treatment such as ventilation when this may not be in their best interests. This meant avoiding sedation to keep the patient alert to gain information: “she was agitated, thrashing around, but we weren’t keen to intubate her”. There were however examples of intensivists admitting patients before they had gathered all relevant information in order to prevent short-term suffering. They recognised that there was a risk of suffering in delaying a decision until information was available, and prioritised expediting immediate relief of symptoms and postponing painful procedures (online supplemental table 4). Other intensivists delayed decision by trying to gather person-centred knowledge from the patient. This meant trying to understand the patient’s values, mostly questions about health-related quality-of-life such as functional status, but also patient’s wishes. A few clinicians recognised or cited a legal duty from harm (non-maleficence). The duty to protect from harm was in tension because of the potentially conflicting claims or interests of the patient being referred and other patients requiring the attention of the intensivist. Concerns about professional security and responsibility were also driven by the concern to protect patients from harm.
to involve patients in the discussion of ceilings of care at the first encounter.

Additionally, the value of professional identity seemed important as a reason for prioritising collection of information, from the patient and from clinical investigations, particularly for the junior intensivists. It was important to them to make sure that expected investigations had been done and that the decision was made on best available evidence. This was expressed as a sense of professional competency, but also self-protection against being judged by peers: "if you admit them to ICU and they fail to benefit, you can feel as if you’re being judged by your peers as, as to have made a wrong admitting decision."

**Identifying the ethical conflicts**

Implicit value conflicts experienced by the intensivists were those between preventing long-term suffering, respecting the patient’s values and protecting their professional identity, and preventing short-term suffering/providing security for the patient (figure 1). The MCD group identified the key ethical conflict in terms of how to do the most good for the patient. Will more good be achieved if the benefit of initiating invasive treatment is accurately predicted and the patient’s views are understood before the decision or will more good be achieved by immediate treatment to relieve short-term harm and support a sense of security?

**Balancing between options A and B**

Evaluating the level of beneficence between the approach in option A and option B will depend on the individual case, but overall the group considered that the ethical priority of maximising benefits favours option B. The principle of respect for autonomy in this situation is bound up in the balancing of beneficence where respecting patient’s wishes contributes to their overall benefit. Acknowledging that patients may lack the ability to exercise their autonomy in these situations (acknowledged also by the group’s patient member), the focus should be on the patient’s lower level needs of physiological and ‘safety/security needs’. However, once again the group set limits on the selected option. In responding to immediate physical and emotional needs, it is important to recognise the potential harms of these actions, and to mitigate these by early review when the situation is more stable, further information is available and/or the patient is in a position to contribute to decision-making. This approach is an established management option; often referred to as a ‘trial of intensive care’ (conditional life-support and symptom relief).

**Situation 3: different attitudes towards gaining the views of others before decision-making**

**Presenting the situation**

Usually, the ICU consultants acted as the formal decision-makers, but there was variability regarding their attitude to involving others to provide information or to express their views. The observer (MS) perceived most patients were too sick to speak to the intensivist, so the other stakeholders presented are the referring team and box 3 family.

**Formulating the moral question**

This situation generated the most deliberation in terms of formulating the moral question of all the situations identified for analysis. Views differed over whether the family had a role in making the decision or their role was limited to providing information. Our interview data with families suggested that this was unclear to them. MS posed two preliminary questions: “Is being a sole decision-maker without seeking the views of others right?” and “Is the variability in intensivists’ attitudes towards involving others in decision-making acceptable?” The final formulation of the question was: To what extent should the intensivist gain others’ input or views before making a decision?

A. The intensivist should make a clinical decision based on their own assessment without the need to seek the views of others.

B. The intensivist should invest time to gain multiple perspectives in order to make a decision (figure 1).

**Identifying perspectives and values at stake**

Intensivists and families were split in their views on this situation while referring doctors emphasised the importance of multiple perspectives (online supplemental file, table 5).

Some intensivists valued professional independence and emphasised their particular knowledge in understanding what critical care can and cannot be achieved. They thought other
doctors and family members had unrealistic expectations, “it’s not a magical land where everything will be fixed miraculously; there are limits to what can be done” (online supplemental table 5). They emphasised the norm of making a decision that is in the best interests of the patient and considered that they are best placed to do this. They also considered themselves to be best placed in terms of time and that referring doctors may not be familiar with the patient and also be delayed if providing care to other patients “I have the luxury of time when I go and see a patient ... 40 min, when considering a non-admission.”

Other intensivists sought to gain a holistic view of the patient by including other views. They appeared to value consistency of decision-making, involving others to protect against cognitive bias and to mitigate against the problem of different intensivists having different thresholds for admission. Intensivists described themselves as being a ‘hawk’ or a ‘dove’ (online supplemental table 5).

Referring doctors conveyed a need to share their perspectives with the intensivist about the referred patient to gain a more rounded view of the situation and what was possible in terms of treatment: “a second pair of eyes and ears is very helpful and the interaction today has been gleamed” (online supplemental table 5).

For family members, being able to trust the doctor to make the decision gave them a sense of security, as they felt being in an emotionally unstable state, as expressed by a patient’s son:

a bit of turmoil and... you don’t take in everything they’re saying and it would be better if they said, ‘Right this happened, we are now moving her’.

Additionally, family members may not know the patient’s wishes or feel comfortable talking about it. One patient interviewed described trying to talk about end-of-life with her son: “he says don’t talk so silly! He doesn’t like talking about things like that” (online supplemental table 5). In these circumstances, avoiding discussion with the family could be seen as protecting them from added distress. However, some family members advocated for family input to convey their views to the clinicians, enabling the patient’s voice to be represented: “… if dad had strong views and I knew about it, then I do think it is something that should be asked” (online supplemental table 5).

Identifying the ethical conflicts

We identified a conflict between two conceptions of the intensivist: independent professional expert or one perspective contributing to a holistic view of the patient, where other stakeholders contribute with their perspectives. This conflict arises from different views of where expertise and agency lies. These could be described as: The ‘critical illness exceptionalism’ model that assumes expertise resides in intensive care for critically patients, versus the ‘continuum of disease’ model that critical illness resides along a spectrum of disease that is within the domain of the referring doctor. There is a parallel conflict between the medical model of best interests, where the clinical expert is best placed to make the assessment, and the holistic, person-centred model, where best interests can only be determined by taking account of the patient’s perspective.

In addition, intensivists experience an ethical conflict between protecting the family from harm by not adding to their distress, and respect for patient autonomy by identifying the patient’s values through conversation with the family. Between the intensivist and the referring doctor, the ethical conflict arises from different models of where expertise and agency lies.

Balancing between options A and B

The group considered the wider principle of beneficence. The clinical expertise and experience of the intensivists is clearly crucial regarding what ICU can achieve, but this needs to be informed by wider considerations to truly benefit the patient. This can only be achieved by including information and views from other sources in particular information on the patient’s wishes and values but also the experience of the referring team on the patient’s illness trajectory and prognosis. Thus, favouring option B implied merging the models of ‘critical illness exceptionalism’ and ‘the continuum of disease’. This option would also reflect the principle of justice, supporting the values of consistency of decision-making process. However, the duty to protect a person from harm would also set limits to a holistic approach, for example, in an emergency situation where there is no time to obtain other views and the immediate decision is based on acute clinical need.

Situation 4: inconsistency in ICU involvement in ongoing care following a decision not to admit

Presenting the situation

In some hospitals, it seemed to be routine to follow up patients assessed as not requiring immediate admission to ICU, while in other hospitals, it depended on the individual intensivist’s approach. Four groups of patients were identified in this category of not requiring immediate admission to ICU, namely, patients who were (1) too well for ICU and unlikely to need it in the immediate future; (2) currently too well for ICU, but will possibly need it soon; (3) too ill for ICU and likely to die even with ICU treatment; and (4) not requiring ICU just yet, but would not be a candidate for ICU should they deteriorate because of their underlying condition(s). The last two situations seemed more likely to result in ethically difficult situations in terms of ongoing review (box 4).

Formulating the moral question

The MCD group achieved agreement on the moral question in this situation more quickly than in the other situations: Should the intensivist have an ongoing duty of care to patients reviewed but not admitted to ICU?

A. The intensivist’s duty of care extends beyond the decision not to admit.

B. The intensivist’s duty of care for the patient ends with the decision (figure 1).

Identifying perspectives and values at stake

Here, there were different perspectives both among intensivists and referring clinicians (online supplemental table 6).

Some intensivists felt strongly that they had a responsibility for severely ill patients even if they were not admitted to ICU: “we don’t restrict intensive care even if we don’t have room in our ICU, I would arrange for that patient to receive appropriate care wherever”. They also described the difficulty in anticipating the illness trajectory for patients initially judged as too well for ICU. The key value expressed in this perspective was short-term medical safety, reflecting the duty to protect the patient from harm, ensuring deterioration was acted on and that relevant treatment was provided. Other intensivists expressed frustration over the referring team’s failure to acknowledge their ongoing responsibility for the patient. They felt that by continuing to advise on patient management, they were facilitating the weakening of competencies outside intensive care and putting future patients at risk. They seemed to value long-term safety for all
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Box 4 Situation 4(c) describes a patient assessed as too ill for ICU and likely to die. Situation 4(d) describes a patient not requiring ICU just yet, but if getting worse being too ill to benefit from ICU

4(c) The senior intensivist goes down to the ward where a decision not to admit has been made, conveyed earlier by the junior intensivist. (Senior intensivist): “I was fairly clear that the patient would not benefit from coming to have any intensive care therapy but the patient still had needs and the patient in this case had end of life care needs. . . . The referring junior doctor was there, so we had a joint discussion together, we talked about whether other palliative treatment for his tumor symptoms might be of any benefit. This was getting out of hours now, I thought it was about 6pm. . . . we agreed that we could probably manage a sort of sedation which is possible to administer on a ward. . . . I also tried to sort of emphasise I thought we should be thinking more about end of life issues, this gentleman’s life is going to be measured in months, and so starting to think about where he’d want to die, getting his views about his own end of life care, obviously that wasn’t possible at the time because he was fast asleep. The moment this gentleman came into hospital they probably knew he had a terminal tumor and yet we wait until there’s a crisis before thinking about what the future truly holds.” The senior intensivist then has a long conversation with the family, before he goes home. Decision 3 Hospital 5.

4(d) It is evening on an orthopaedic ward and the intensivist has just made the decision to not admit the patient. The intensivist thinks that the patient currently does not need intensive care treatments, yet severely ill. He says: “My main issue is that she has been in hospital a longtime and she is not thriving . . . not fit for surgery, dialysed for a long time, look at the comorbidities, we have done enough for her”. Still he feels that the patient’s current condition needs to be addressed. There is no doctor on the ward, but the referring doctor had previously expressed that he will be “entirely guided by the (intensivists) decision”. The intensivist catches a nurse on the go and informs them that the patient needs prescriptions regarding blood pressure medication, fluids and monitoring. The nurse looks scared and wonders whether he (the intensivist) can prescribe and speak to the patient’s family. The intensivist: “Please phone your doctor on call”. Decision 6 Hospital 6

Balancing between options A and B

Our considered judgement was that the intensivist has a moral duty to ensure a plan is in place to provide safe care for the patient who is not admitted to ICU (option A). This is grounded in the wider principle of non-maleficence, which implies that valuing safety and security is supporting the moral norm of protection of harm both for patients and the referring team. Additionally, having accepted responsibility for this patient in so far as having met the other person’s suffering, reviewing their situation and considering what treatment is needed, a moral responsibility towards this person is generated. This moral claim of protection is grounded in the philosophy of Levinas, manifested in the face-to-face encounter in an asymmetrical relation. However, Levinas did not discuss moral responsibility towards other patients the intensivists have not met. Thus, this theory and the principle of non-maleficence needs to be balanced with the principle of justice, setting a limit to the duty for the reviewed patient, moving closer to option B. When there are time constraints, the duty should be articulated as setting out an initial plan and communicating this to the referring team, but then leave the responsibility with the referring team and move on.

CONCLUSION

Safety and security were the key values at stake in the ethical conflicts during the ICU decision-making processes, with the overriding ethical principles of non-maleficence and beneficence. Given that intensivists have multiple patients; the value of fairness was at stake; how does a decision for this patient impact on obligations to other patients. The patient voice was seldom heard directly in our data, but when it was, supplemented by our observations, it suggested that people value safety but in a more holistic sense of feeling secure. In a life-threatening situation, clinicians and patients prioritise the need to protect, or be protected, from the harm of clinical deterioration over the principle of autonomy. This can be likened by a log metaphor. You are carried away by water and grasps at a log (the log represents others that best can interpret (family) and fulfill your immediate needs (clinicians)). When reaching calm water, you gain confidence to let go of the log and are able to swim to shore (capacity to take control of your situation and make autonomous choices). We suggest that security in this holistic physical and emotional sense should be recognised as an ethical value, with intrinsic property of worth in itself, not as a means to something else.

IMPLICATIONS FOR THE ORGANISATION

The conflicts we have identified have arisen through the different perspectives not being integrated in any design of the decision-making system, and healthcare professionals having different understandings of the roles and responsibilities of others and themselves. Much of this can be addressed through an organisation developing systematic and integrated pathways for this decision-making process. Our analysis also generated a further moral question at an organisational level: should the resource of intensivist expertise be increased or should the focus be on increasing expertise on wards?

We recommend preventive measures for avoiding ethical conflicts in all four situations. These include increased advance care planning, but also proactive decisions about ceilings of care. Advance care planning in primary care should be encouraged as this may prevent suffering during the waiting time for decisions in emergency departments and facilitate person-centred decisions. In hospital wards, there needs to be greater emphasis on ceilings of care decisions being made before a patient deteriorates. This
would improve communication between referring teams and intensivists facilitating shared responsibility for decision-making between referring and ICU clinicians. There has been increasing emphasis on emergency care treatment plans in the UK in recent years,\textsuperscript{18} \textsuperscript{19} brought into sharp focus by the COVID-19 pandemic. Involving the patient’s family in discussion may also help to ensure safe but person-centred treatment. Furthermore, if a palliative care decision is made earlier, there is evidence of more beneficial effects on quality of life and symptom intensity compared with patients who are given standard care.\textsuperscript{20}

Increased staff resources and expertise on referring wards may reduce the need for what some intensivists see as ‘inappropriate’ referrals. This could include critical care outreach services. Communication may be improved with the use of structured referral tools such as SBAR and consultant to consultant discussion of cases. Wider communication and shared learning, for example, discussion of shared cases at grand rounds, may enhance a holistic approach and promote cooperation between intensive care and other specialties.\textsuperscript{21}

The patient’s sense of security in the critical situation could be enhanced by ensuring that a familiar person or a nurse is responsible for supporting them throughout the project, providing reassurance and ensuring that the patient’s perspective is not lost. The nurse may engender a sense of security, while at the same time preserve autonomy by posing the difficult questions to patients in a responsive way, acknowledging their vulnerability.

**EVALUATION OF THE METHODS**

This analysis has used a new approach to describe some of the ethical conflicts inherent when decisions are made about the care that critically ill patients should receive. It is also the first time to our knowledge that a moral deliberation method\textsuperscript{1} has been used as an analysis tool in research. A major strength is that the method links the research closely with clinical practice by using a method that is used in clinical practice rather than a more abstract theoretical framework. The Dilemma method adopted is a pedagogical approach for clinicians to identify and evaluate ethical conflicts. However, decisions in reality are not always as binary as suggested by this approach. Therefore, we used wide reflective equilibrium to acknowledge and accommodate the range of values identified, and thus shaped a modified recommended solution. However, it is possible that our analysis may not have sufficiently acknowledged the relational element of the decision-making process. In the qualitative analysis of the ethnographic study, we also identified both good and bad communication between clinicians and with patient/family. A complementary relational ethics analysis may yield further insights into this challenging and complex area.

The use of data from observation and interviews, as well as the diverse perspectives of the analysis group, facilitated the imagination of moral issues and values in new ways. This has similarities to ‘imaginative ethics’ as described by Hansson,\textsuperscript{22} and seen as a complement to principle-based ethics. The specificity of the context during moral case deliberation enables different moral voices to speak.\textsuperscript{23} This facilitates the capturing of values on a more concrete level, which are then abstracted to ethical principles when balancing options. Wide reflective equilibrium enables a move to generalisable resolutions that can speak to systems and organisational activity.\textsuperscript{14}

Other ethical analysis methods connected to clinical practice have been described including the actor model,\textsuperscript{23} the CME (Centre of Medical Ethics) six-step model\textsuperscript{24} and the Ethics Deliberative framework (ETHICS).\textsuperscript{25} They share the basic steps of identifying the ethical issue, relevant facts, interests and values, and conclude with a course of actions. A major strength in using the ‘Dilemma method’ was the focus on identifying the moral question. Formulation of the questions dominated our iterative joint deliberations but once agreed, formulations of values and the ethical conflicts became clearer.

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Table 3. Sources to show the ethical analysis’ trustworthiness regarding clashing values for the right of review. Values= CAPITALS, arguments and norms attached to values=underlined, sources i.e. quotations (in italics) underpinning views and field-notes as responses to the question: Who should have the right to decide whether a patient needs to be reviewed for consideration of life-support?

| A. The referring doctor has the right to demand a review | B. The intensivist has the right to decline review |
|----------------------------------------------------------|--------------------------------------------------|
| **MEDICAL SAFETY FOR THE PATIENT**<br>Referring doctors have an obligation to protect the patient from harm, therefore they should have the ability to make judgments;” … he picked up on why I was calling them; he wanted me to stress the patient was B9 and he asked me to specify a few times, ‘Exactly how old is the patient?’ Oh it frustrated me. Because this senior is not quite well. I think you need to see a patient before you can write them off because we weren’t asking for ventilator support we were asking for input.” Referring doctor, Decision 1, Hospital 2’ | **MEDICAL SAFETY FOR OTHER PATIENTS**<br>Referral should be informative in order to prioritise: “Any referral can be a little bit random at best. We always look at their past history in the background by the referral team, so that we can filter out the genuinely sick ones and also so that we can decide whether we need to address immediately.” Intensivist, Decision 6, Hospital 1 |
| Requesting a well prepared referral might imply a risk for the patient: “You’re quite often being told that I shouldn’t be called by junior team members but it’s very difficult to tell if someone calls you for help and they can’t get in contact with their consultant, you can’t ‘No I’m not coming until a co | Outreach nurse to the ICU-clinician: ‘they shouldn’t have called you’ and there is a discussion whether the referral was needed or not, that it is not right that a senior house officer makes the referral. Field notes “It was quite annoying because if she had assessed the patient and done the gas on oxygen, it wouldn’t have occurred. The urgency was not required and we pulled the ITU doctor away from ITU when she might have been doing something else.” Outreach nurse, Decision 2, Hospital 5 |
| **PROFESSIONAL SECURITY FOR THE REFERRING TEAM**<br>.” We call them and they are always happy to come and have a look to a patient. … they are very good communication and they are happy to advise, to manage … so it’s very good, professionally”. Referring Dr. Decision 3, Hospital 4 | **PROFESSIONAL RESPONSIBILITY OF REFERRING DOCTORS**<br>Intensivist should not be a substitute for others’ lack of time: “From medicine there’s an unwillingness to talk to the senior members of the team and ask for help before phoning intensive care. So it’s usually goes side-ways before it goes upwards in the hierarchy”.
 ICU-consultant Decision 4, Hospital 1 |
| Intensivist should be receptive to the needs of the referring team: “My reasons for being a soft touch is that I think that by the time the words have called us they’ve tried many things and they call us because they’ve run out of ideas or they’ve run out of resources and that resource might be personnel, might be monitoring, might be interaction.” Intensivist Decision 6, Hospital 4 | “The ED-registrar rang the medical registrar on call, they said, ‘We’re rushed off our feet can you ring the intensive care doctor on call?’” Intensivist, Decision 6, Hospital 2 |
| Supporting the referring team needs will benefit the patient: “I’d much rather know about these patients and go and see them myself and make a decision than just say, ‘this isn’t my problem’. … There is a patient at the end of it who has needs and unfortunately this gentleman had an incurable brain tumour” Intensivist, Decision 3, Hospital 5 | Referring doctors shirk from responsibility of informing: “I treated the moribund patient at 3 o’clock in the morning with minimal information. Then you discover later they’ve got lung cancer. You know it’s a waste of time. … I find quite frustrating because we spend a lot of time talking, you’ve got to talk to the family, you’ve got to talk to the patient”. Intensivist, Decision 2, Hospital 3 |
| | The referral might be manipulated: “Interviewer: They called and said that the patient was tiring and you said, ‘They always say that they are tiring’. ICU-consultant: Yes A&E use certain words and certain phrases to put the anti-up so we’ve got to go and do something.” Intensivist, Decision 6, Hospital 1 |
### Supplemental material

If clinician skilled in responsive interaction, it is of long-term beneficence to ask patients sensitive questions: “He [the patient] understood what the doctor said. Oh, well he was the best doctors I’ve seen, he was brilliant, he was clear, he listened to dad. I just found him helpful and listening and I think he was good for my dad” Daughter, Decision 6, Hospital 3

“What I realised is that most of the reluctance in asking a question is not on the patient’s side, it’s usually on the physician’s side. So what you feel is an odd question to ask you will think that the patient will feel uncomfortable answering.” Intensivist, Decision 3, Hospital 1

| A. As much information as possible should be gathered before making a decision that is in the patient’s best interests |
| --- |
| PREVENT LONG-TERM SUFFERING OF NON-BENEFFICIENT ICU-ADMISSION |
| Symptom relief should be avoided to prevent risk for non-beneficial life-support: “She was really struggling to breath, she wasn’t tolerating oxygen very well, she was really struggling, she was just about maintaining her airway but she was very agitated, she was thrashing around a lot, but we weren’t keen to intubate her.” Intensivist, Decision 4, Hospital 3 |
| If clinician skilled in responsive interaction, it is of long-term beneficence to ask patients sensitive questions: “He [the patient] understood what the doctor said. Oh, well he was the best doctors I’ve seen, he was brilliant, he was clear, he listened to dad. I just found him helpful and listening and I think he was good for my dad” Daughter, Decision 6, Hospital 3 |
| “What I realised is that most of the reluctance in asking a question is not on the patient’s side, it’s usually on the physician’s side. So what you feel is an odd question to ask you will think that the patient will feel uncomfortable answering.” Intensivist, Decision 3, Hospital 1 |
| PROTECTION OF PROFESSIONAL IDENTITY |
| Painful procedures are necessary for informing the decision: The intensivist stands silent by the bed looking at the junior doctor trying to insert an arterial line on the patient’s wrist [the medical registrar looks distressed]. The patient breathes heavily, falls asleep and wakes up repeatedly and then looks constantly at her left wrist, now with several needle pinpricks and bruises. The intensivist turns to me: ‘I really need a gas’ Field notes, Decision 2, Hospital 2 |
| Fear being judged by peers if wrong decision: “... if you admit them to ICU and they fail to benefit, you can feel as if you’re being judged by your peers as, as to have made a wrong admitting decision.” Intensivist, Decision 4, Hospital 2 |
| PERSON-CENTREDNESS ASKING PATIENTS VITAL QUESTIONS |
| Ethical and legal duty to bring up ceiling of care with the patient at first encounter: “I have made it a practice when the last NICE guidance came out that ceiling of care decisions should be made at the time of first review. So what I started to do was that irrespective of how well or unwell you were I would ask you what you wanted to do in case you needed to be resuscitated” Intensivist, Decision 3, Hospital 1 |
| Presuppose that the patient may have capacity, therefore should all patients be asked about their wishes: “The patient was still fairly lucid and it’s not always the case. ... I felt that she had capacity at that point in time and therefore she was able to make a decision.” Intensivist, Decision 2, Hospital 3 |

| B. The decision should be expedited to provide immediate relief of symptoms and reduce potential harm from treatment delay |
| --- |
| PREVENT SHORT-TERM SUFFERING BY ADMISSION |
| Stressful questions and procedures should be postponed to ICU, waiting for return of capacity: “We did the right thing but in some ways it feels a bit strange to admit a man who you know, the bottom line is he is going to die from cancer and probably fairly soon. ... He was able to talk with the next day. ... we were quick glad of the opportunity to discuss with him and he went, ”No I don’t want to bleed to death, thank you very much” Intensivist, Decision 4, Hospital 5 |
| SENSE OF SECURITY |
| The patient wants to lay the difficult decision in the doctor’s hand: “The doctors know what they’re doing. It’s no good saying to me, ‘What do you think about it?’ because I haven’t got a clue. I could have said, ‘Well I don’t know, and that could have been the difference between life and death so I don’t think you should have to ask.’” Patient, Decision 5, Hospital 6 |
| The severely ill lacks capacity for complex decision making: The patient is grey in face, have difficulty of talking, out of breath, panic in eyes, removes the oxygen mask off repeatedly, tries to sit right up in agony. ... The junior Intensivist asks the patient rapid questions about functional status, which he says yes to all of them [giving impression that he means he is in good health, denied by family later]. Field notes, Decision 5, Hospital 5 |
| Inexperienced professionals should be hindered from inducing distress: “[Researcher:] You were occupied with the arterial line insertion. Did that affect you in any way? Did you feel that the patient was perhaps feeling a little bit anxious because you were occupied? [Junior referring doctor:] Yes certainly, so I mean that was sort of an unfortunately tricky procedure so may be where a little bit of the ego of the physician would come into play.” Junior referring doctor, Decision 2, Hospital 2 |
| Relief of distress may give patient emotional and physical strength to survive: A nurse brings in the granddaughter, whom has long time been sitting outside the resuscitation room. She approaches the patient, takes her hand and strokes her over the head. The patient smiles [The patient seems happy to see her, seems to calm down, after a while resting her head on the stretcher, nodding off, respiratory rate lowers and the pulse on the screen]. Field notes, Decision 1, Hospital 4 |
Table 5. Sources of clashing values regarding lack of clarity of valuable input for the decision for the incapacitated patient together with arguments and quotations/field-notes as responses to the question: To what extent should the intensivist gain others’ input or views before making a decision?

| A. The intensivist should make a clinical decision based on their own assessment without the need to seek the views of others. | B. The intensivist should invest time to gain multiple input in order to make a decision. |
| --- | --- |
| **PROFESSIONAL INDEPENDENCE** | **HOLISTIC APPROACH** |
| An experienced intensivist has discernment to represent the patient: "I didn’t want him[referring doctor] to make the decision on my behalf, not coming with the answer before I'd had time to vocalise my thoughts on the matter... that doesn’t cloud my own judgement. ... I made this decision independently. I didn’t feel that I needed peer support for that." Intensivist, Decision 4, Hospital 2 | To ensure ethical decision making, different perspectives are needed:  
"Age, maturity, being street wise, I don’t know what it is that makes you more accepting of your own limitations and your own inabilities to make the right judgement, dealing with uncertainty for me is one of those qualities of a great physician, helping families and patients to deal with uncertainty. ... I don’t think that you’re taught that, I think you learn that over time and that’s why I expect my views now, more inclusive and different." Intensivist, Decision 4, Hospital 4 |
| Other doctors lack knowledge what ICU cannot achieve: "Most physicians lack, as opposed to the intensivist, experience and an understanding of what ICU-care can do for you. It’s not a magical land where everything will be fixed miraculously; there are limits to what can be done." Ref. med. registrar, Decision2, Hospital 2 | Referring doctor need to share perspectives with intensivist  
"... a second pair of eyes and ears is very helpful and all the interaction with the team today. She was seen by the appropriate team, the extra info that’s adjusted her case has been gleaned" Referring doctor, Decision 3, Hospital 1 |
| "It’s easy for the teams to say, ‘We’ll get intensive care to come and they can take you to ICU,’. Actually it may be absolutely the wrong thing to do because putting someone on a ventilator is actually in some places a death sentence or they will never come off that ventilator.” Intensivist, Decision1, Hospital 4 | |
| Referring doctor may not be familiar with the patient: "I was talking to one person and then it turns out that he’s from A&E and actually the ward doctor is another person. ... it was not really clear who knows the patient best and who is actually responsible for this patient." Intensivist, Decision 7, Hospital 3 | |
| "The referring teams, bless their cotton socks, don’t have an adequate grasp of the medical facts and history of their patients. ... they’re very busy, the patient’s only just arrived, there’s no one else around to tell them, or it’s completely outside of their clinical practice.” Intensivist, Decision 4, Hospital 5 | |
| Family have unrealistic wishes what ICU can achieve: “The problem is that the families have unrealistic expectations of the outcomes. That’s partly driven by things on the media.” Intensivist, Decision 2, Hospital 1 | |
| **TIME TO JUDGE** | **CONSISTENCY** |
| Decisions might be delayed if involving others: “[Researcher:] Did you communicate with the doctor on the ward? [Intensivist:] No and under these circumstances I wouldn’t necessarily do so as a time constraint.” Intensivist, Decision 3, Hospital 2 | Risk of arbitrary decisions if other perspectives are not sought, due to intensivist’s personal biases of being hawks or doves :  
Dove: “I think I’ve become a bit more cautious and a lot more optimistic about what we can provide on intensive care for patients. I’m probably very eager to admit and I’d probably admit patients that my colleagues wouldn’t ... I think I’m on the softer side” Intensivist, Decision 4, Hosp. 1 |
| More time than others to make considerations: “I have the luxury of time when I go and see a patient. My average time I spend with a patient is 40 minutes, when considering a non-admission.” Intensivist, Decision 3, Hospital 5 | Hawk  
"At the beginning I felt more reluctant to say no which is slowly with that confidence you also see what happens with the patient in your care and then you make a decision. If you have to say no you say no.” Intensivist, D 7, Hosp. 3 |
| **SENSE OF SECURITY FOR FAMILY NOT BEING INVOLVED** | **PERSON-CENTREDNESS BY INVOLVING FAMILY** |
| Families trust the intensivist to make the decision: “[Res:] Were you involved in any decisions? No, no, that was fine because I’m not a medical person so! That doctor seemed very knowledgeable about the whole.” Son, D3, H 4 | Family can contribute despite distress: “I mean I understand it is a question [regarding DNR] that you have to ask, because people have different views. I understand that it has to be asked but it’s quite distressing. [Researcher:] Was it good that he asked you about it or shouldn’t he have? [Daughter:] No I think he should ask because, if dad had strong views and I knew about it then I do think it is something that should be asked.” Daughter, Decision 3, Hospital 1 |
| Family might be in an avoidance- and emotionally unstable state not representing the patient’s wishes: “I have said at times if you know I was really ill, a burden, haven’t got anything coming for me, I would rather they treated somebody else but my son says don’t talk so silly! He doesn’t like talking about things like that” Patient, Decision 4, Hospital 3 | Patient have a voice through family: “And then we went in to speak to the wife and she said that he has said to his family that he would never want to be resuscitated if ever he needed it and that he would never want to be in a persistent vegetative state.” Intensivist, Decision 4, Hospital 6 |

Supplemental material

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Table 6. Clashing values regarding duty to patients as responses to the question: Should the intensivist have an ongoing duty of care to patients reviewed but not admitted to ICU?

| A. The patient needs continued ICU-expertise on ward | B. The intensivist’s duty of care for the patient ends with the decision |
|---------------------------------------------------|-----------------------------------------------------------------------|
| **SHORT-TERM PATIENT SAFETY**                    | **LONG-TERM PATIENT SAFETY**                                        |
| Follows up treatment suggestions, due to difficulty to anticipate illness trajectory: Intensivist communicating with patient: "I will review in a couple of hours again" “we will make sure you are safe, we have a plan now, maybe we will give you more oxygen”. Field-notes Intensivist, Decision 1, Hospital 5. Interview: “When I first met him I laid down very clear criteria for his oxygenation is below a particular limit, but today when I went and did a blood gas on him, his oxygenation was very poor. Clinically he was not where I wanted him to be 48 hours down the line.” | Ward staff should be expected to have basic skills to care for severely ill patients: The senior intensivist is complaining about ED, that the junior intensivist has done too much job there. She says this is “classic difficulties” that ED and the wards can very well manage this kind of patient. “She needs intravenous fluids, intravenous antibiotics, some oxygen and these are all things that should be able to be managed on the ward…. The trouble is the bigger we’ve got as an ITU and the more we have things like Outreach nurses, the wards get deskilled” Field-notes, Decision1, Hospital 4 |
| Compensates for incompetence or lack of staff on the wards: “So that would be a greater staff to patient ratio, more frequent observations, one of the issues with him was that his catheter was inserted in the morning and it was only first checked at 3pm” | Wards should be staffed for caring for severely ill patients: “Cover over night is not great. It is 1 or 2 trained nurses, 1 or 2 agency nurses possibly, the ward has high agency. There is no onsite kidney specialist overnight and the ward is run mainly by general medical doctors, covering several floors. Nephrologist consultant, Decision 7, Hospital 6 |
| Referring medical registrar, Decision 6, Hospital 3 | **FAIRNESS REGARDING ACCESS TO ICU-EXPERTISE**                       |
| “He [the intensivist] reviewed her at 11 o’clock [pm] before he went home and asked his team to keep an eye on her overnight, so that she had a much higher level of medical oversight. The important thing is about having enough people around to make clinical assessments of patients so that if they are deteriorating they’re picked up in time”. Nephrology consultant, Decision 7, Hospital 6 | Non-medical reasons of intensivist input may be unfair to other patients: “…you might argue that if they are under-staffed then it’s not safe for him on the ward but equally … if an emergency comes from outside how do we justify who gets the help.” Intensivist, Decision 6, Hospital 5 |
| Assumes responsibility for severely ill patients wherever they are: “So I would like to think that we don’t restrict intensive care even if we don’t have room in our intensive care unit. … I would arrange for that patient to receive appropriate care wherever that be. So for that reason the decision to admit to ICU to me becomes an artificial construct. I’d like to think that we should deliver the care that is appropriate, the judgement not whether they should come to ICU.” Intensivist, Decision 4, Hospital 4 | **LONG-TERM SECURITY OF REFERRING TEAM**                             |
| **SHORTTERM PROFESSIONAL SECURITY OF THE REFERRING TEAM** | Important that ward staff are confident: The staff nurse interrupts the intensivist and junior referring doctor. She reports about “awful urine” and starts to ask the intensivist questions. Then she tells the junior doctor that he has to do this and that. The nurse seems to take responsibility and guides the doctor what to do and makes sure to get information from the intensivist how to manage the patient. Field-notes, Decision 6, Hospital 3 |
| Gives support to uncertain junior doctors: “She [the intensivist] was mirroring my own thoughts, not just what’s happening here and now. She clearly had a very pragmatic view of the future and so she seemed to be weighing up and then communicating to me of what her concerns were.” Referring medical registrar, Decision 2, Hospital 2 | **Referring team knows the patient best for confident end-of-life communication:** The intensivist approaches the night nurse: “Do you know what language she speaks?” Nurse: “Mandarine”. [Intensivist] “I will bleep the surgical registrar”. He answers the telephone: “Will you pass a message discussed with my consultant … She is for ward based care only. I don’t think she will survive, so interpreter is important, to talk to family”. Field-notes, Decision 8, Hospital 2 |
| **Gives end-of-life support management to referring team** | |
| “I thought that trying to meaningfully treat him and get him home again was unlikely and so I said no to admission. I asked my junior to escalate that to the medical team and then to make sure that we were adequately analgised and kept comfortable and that DNR should be completed. Intensivist, Decision4, Hospital 5 |