

## How does ethics case consultation work?

Usually requests for consultation are made when residents or their decision maker and their care providers cannot agree on a course of care or a specific health care action. However, a case-consultation may be requested at any time by a resident, a decision maker for the resident (or surrogate decision maker), a family member, or a staff member. Once requested and agreed to, the procedure works as follows:

- The individual who requests mediation and the persons with whom the issue exists are necessary participants. Other family and staff members may be invited to participate. Residents and their direct care providers are often invited.

- During pre-consultation interviews, the participants provide the mediator with enough clinical and other information to introduce the issue.

- Using information obtained in these interviews, the mediator prepares a brief statement of the situation for the participants.

- The mediator hosts a face-to-face meeting of the participants at a mutually convenient time and place. Representation isn't required, but if participants want to bring along advisors, they are welcomed.

Usually, the issue is resolved, agreements are reached, and the consultation is wrapped up in one meeting. Sometimes follow-up sessions are held. Occasionally a consultation concludes without agreement.

- After the face-to-face meeting is completed the mediator will prepare:

- A confidential, written Basic Understanding, which describes the agreements reached during the consultation. The participants can use the Basic Understanding as a guide to complete any needed post-consultation documentation.

- A non-confidential, written Summary of Ethics Case Consultation, which establishes the consultation's termination point, establishes a time line for actions described in the Basic Understanding and identifies the person who the participants have agreed will be responsible for overseeing implementation of their agreement.



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## Long-Term Care Ethics Case Consultation



### A mediation service of Missouri's Long-Term Care Ombudsman Program

PO Box 570  
Jefferson City, Missouri 65102  
(573) 526-0727  
1-800-309-3282  
TDD: 1 (800) 735-2966  
Voice: 1 (800) 735-2466  
and

**The Center for Practical Bioethics**  
1111 Main Street  
Kansas City, Missouri 64105-2116  
(816) 221-1100  
1-800-344-3829

Long-term care ethics case consultation is a mediation service which Missouri's Long Term Care Ombudsman Program and The Center for Practical Bioethics make available to the residents, families, and staff of our facility. Ethics case consultation is available upon request to help resolve any differences of opinion concerning a resident care issue.

## What is ethics case consultation?

Ethics case consultation is a mediation service in which participants use a neutral third party to help them work through issues that may arise in connection with the development and adoption of a resident's care plan or some other care-related matter. The candid give-and-take encouraged by the mediation process may include venting feelings, articulating interests, gathering facts, thinking creatively, clarifying disagreements, and finalizing agreements.

Our residents, their families, and our staff are encouraged to request ethics case consultations when they are unsure or disagree about the right course of action. Some of the many situations in which people request ethics case consultations are:

- Issues which involve multiple parties;
- Clinically complex health care situations;
- Issues burdened with emotional intensity.

## Additional facts about ethics case consultation

**Free.** Missouri's Long-Term Care Ombudsman Program and The Center for Practical Bioethics provide ethics case consultation without charge to our residents, families, and staff.

**Private and Confidential.** From start to finish, nothing a participant, the mediator, or a participant's representative says, nor the documents they share during a case consultation, can be used in court.

**Voluntary and Nonbinding.** No one is obliged to mediate, and those who do can withdraw at any time. Mediators don't judge cases or impose outcomes. Ethics case consultation doesn't force residents, staff, or family members to change their minds. When ethics case consultation works, it is because the participants allow it.

**Neutral.** The mediators who conduct ethics case consultations do not have any stake in the outcome of the cases they mediate, and they assure that the mediating process itself is fair.

**Informal, Flexible and Harmonizing.** Ethics case consultation handles large and small, simple and complex case efficiently. Because it is flexible, participants may devise customized solutions. The harmonizing quality of case consultation lends itself to reestablishing family and professional relationships that work.

## How formal is ethics case consultation?

As previously mentioned, the ethics case consultation process is very flexible, and its setting is informal. It is a confidential, voluntary, and nonbinding event. Each consultation begins with a written request. Everyone who agrees to participate does so in writing and every consultation is governed by the Long-Term Care Ethics Case Consultation Rules. To show their good faith commitment to the agreements they reach, participants may want to sign their Basic Understanding or Summary documents.

## When does ethics case consultation work?

Ethics case consultation doesn't produce miracles, but it has proved useful in resolving many issues involving residents, families, and care providers. Ethics case consultation has proven particularly useful in cases where it is crucial that several persons participate, the clinical facts are especially complicated, the issue reflects the parties' differing values, or when hard feelings have developed among family members or between a resident, the family, the facility, or a case provider.