

Mediation Services for Clinical Ethics at Your Institution

The Center for Bioethics Mediation Service can:

1. Provide training for institutionally-based ethics consultants in mediation methods, techniques, and processes, including participation in simulated cases.
2. Supply trained mediators from the Center for Bioethics' roster as independent adjuncts to the institution's ethics mechanisms.
3. Consult on establishment of mediation models and systems for internal staff disputes, patient satisfaction issues, and legal risk management intervention.

Specific Applications at Your Institution

- Using the Service as an alternative or complement to existing ethics mechanisms
- Intervening where significant liability for malpractice or other legal claims may negatively affect the institution's reputation or finances
- Enhancing patient satisfaction
- Improving staff morale and minimizing the effects of moral distress that leads to burn-out
- Assisting patients and health professionals to appeal insurance decisions in managed care settings

Penn Center for Bioethics Mediation Service

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Penn Center for Bioethics Mediation Service

“The Ivy League of Mediation Services”

*Independent, Knowledgeable, Confidential
Bioethics Mediation Services, Training, and
Consulting for Health Care Institutions*

Conflict in Bioethics

Conflicts have a multitude of possible causes and bioethics conflicts are no different in nature. Some sources of conflict in bioethics include:

- Dysfunctional or inadequate communication
- Conflicts of interpretation of facts and data in specific cases
- Conflicts regarding individual or group interests
- Conflicts regarding specific values
- Conflicts regarding specific treatment or allocation decisions

Mediation provides a protected “moral space” in which to resolve conflicts in bioethics.

Introducing Penn’s Center for Bioethics Mediation Services

A core goal of bioethics, and a central mission of the Center for Bioethics, is to assist in clarifying and resolving value conflicts that arise in health care contexts:

- Clinical care
- Basic, Translational, and Clinical Research
- Organizational

Our Service can be tailored to each of the above contexts.

The Penn Center for Bioethics Advantages

- Experienced bioethics mediation practitioners
- Renowned Master of Bioethics (MBE) program
- Active scholarly research
- Public outreach to increase mediation use
- Access to all Penn Center for Bioethics experts
- Access to consultation with a vast cadre of experts at Penn (e.g., Penn Med, Penn Nursing, Penn Engineering, Wharton, Social Practice and Policy, Graduate School of Education)

Penn Center for Bioethics Mediation Services Are Unique

Our services have a dual focus:

- Scholarship – the art and science of mediation
- Practice – mediation training and services

Our mediators have broad-based focus in health care and extensive involvement in each practice domain (health care, higher education, research, and management)

Problems with Traditional Ethics Mechanisms

Traditional ethics mechanisms (ethics committees, consultation services, and consultants) have been criticized for reliance on formulaic or rote approaches to ethical analysis and application of bioethics principles to determine the resolution of complex clinical cases.

Other problems with traditional mechanisms include:

- Reports of limited volume of referrals
- Inconsistent criteria for decision-making
- Inconsistencies in committee composition and training standards
- Frequent exclusion of patients and surrogates as significant and authoritative sources for ethical decision-making
- Failure to evaluate outcomes

Penn Center for Bioethics Mediation Service – An Alternative

Our Service is designed to avoid problems associated with traditional, in-house ethics mechanisms by providing *truly independent* mediators who have access to the Center’s resources and expertise to assess and evaluate outcomes commensurate with your values and objectives

- For institutions *with* existing ethics mechanisms, our Service is a complement rather than a substitute
- For institutions *without* existing ethics mechanisms, our Service can provide a complete program

Advantages of Penn Center for Bioethics Mediation Service

Our Service has a number of advantages:

- Diffuse adversarial stances that may lead to costly litigation
- The professionalism of the Centers’ mediators assures confidentiality of proceedings and discretion
- Preservation of integrity of institutional ethics services where staff might be compromised via association with outcomes desired by powerful clinicians or hospital administrators.
- Enhancement of integrity when the institution acknowledges and manages its potential, perceived, or actual conflicts of interests.
- Promotion of patient empowerment in contexts rife with power imbalances
- Engagement with cultural, religious, and relationship issues relevant to decision-making
- Assessment and evaluation of outcomes

Mediation is Recognized as the Future of Ethics Consultation

“Formal training in specific techniques such as mediation, conflict resolution, or facilitation is one way to obtain advanced interpersonal and process skills” in ethics consultation.

—American Society for Bioethics and Humanities, 1998 *Report Core Competencies for Health Care Ethics Consultation*