

FAVORABLE TREATMENT FOR A FRIEND, OR UNFAIR TREATMENT TO OTHER PATIENTS?

CLINICAL CASE

Juan works at a tertiary hospital. His father suffered a stroke and was admitted to his hospital. Juan arranged this to help improve his work-life balance. He knows the stroke unit at his hospital is very good and he is a friend of Dr. Hernandez, one of the attending physicians. Juan's father was admitted to the hospital for three weeks and then discharged home. Juan and his three brothers have been helping him with his daily care activities and transporting him to his current rehabilitation center since his discharge and, although they've managed to organize themselves very well during the first month (requesting vacation days, etc.) they realize that, despite their commitment, they are not able to maintain the level of care their father needs in the long run. Their father needs ongoing assistance with self-care activities, and his schedule at the rehabilitation center from 9:00 a.m. to 1:30 p.m. is incompatible with their work schedules.

Given this situation, Juan asks Dr. Hernandez if his father could possibly be admitted to a hospital that specializes in rehabilitation. Dr. Hernandez explains that referral to these centers is mandatory from the time of hospitalization and his father has already been discharged for more than three weeks. Juan asks Dr. Hernandez, a friend of his, to readmit his father so that he can transfer him to the rehabilitation center. He argues that, although he knows it is not proper procedure, they are very overwhelmed and are not sure how else to solve the situation so that his father is well cared for.

Dr. Hernandez knows that Juan is requesting this because he thinks it is best for his father and as his friend, he would like to help him, however, he's uncomfortable with being asked this favor because another patient wouldn't be afforded the same. Should Dr. Hernandez admit Juan's father to the Stroke Unit and, from there, request a transfer to a hospital Rehabilitation center?

ETHICAL ANALYSIS OF THE CASE

The conflict here for Dr. Hernandez is not uncommon: when friends, colleagues, or family members ask a healthcare professional for favorable treatment, thus gaining access to a resource to which other patients don't have access. In these cases, depending on the resource requested, the healthcare professional may feel

uncomfortable, especially if the favored treatment may harm other patient(s). For example, if Juan's father gets access to a rehabilitation place and another patient is left without it. In these cases, the professional must balance his or her personal relationship (friendship, family) with equity in the distribution of health resources. The primary ethical issue in these cases is that distributive justice may be violated, generating situations of inequality between patients and placing those patients who do not have direct access to a healthcare professional in an inferior position.

POSSIBLE COURSES OF ACTION

- Make a non-indicated inpatient admission to refer Juan's father to the rehabilitation hospital.
- Ask the head of the rehabilitation hospital to change the admission criteria.
- Explain to John that the request is inappropriate and decline, but offer to look for alternatives.
- Tell John that he can admit his father to a private rehabilitation facility.
- Explore whether it's possible for a referral to the rehabilitation hospital from primary care or on an outpatient basis from your hospital, without having to admit him.
- Contact the social worker to look for possible available resources, either in the home or at the residential level.
- Speak to Juan and tell him if you were his friend he would not put you in this kind of situation. Consider ending the friendship.

RECOMMENDED COURSES OF ACTION

- To start, talk to John and explain to him that his father cannot be admitted if he does not meet the admission criteria, but tell him that you are going to do everything possible to help him. It is not a matter of abandoning him, but of empathically accepting his request for help and opening up possible alternatives.
- Therefore, explore what the alternatives are for admission to the rehabilitation hospital: through Primary Care, by contacting the rehabilitation center through regular channels, etc. Consultation with Social Work may help explore these avenues.
- If it isn't possible to be admitted to the hospital rehabilitation center, it should be explained that there are private rehabilitation centers, which also provide good treatment.
- Additionally, efforts should be made to improve Juan's home support, if possible with social services. For example, transfers to rehabilitation by ambulance or home assistance for rehabilitation could be arranged.

DISCUSSION

In the case in question, favorable treatment is requested for a relative of a colleague of the attending physician, who is also a personal friend. The requested resource, although it could be indicated for the patient, does not meet the established criteria to be able to access it thus causing inequity with other patients, i.e., with already admitted patients pending transfer to a rehabilitation center.

In these circumstances, the physician must preserve the principles of distributive justice and equity for other patients. Both the physician and colleagues or friends must differentiate between a personal relationship and a healthcare relationship. It is best to establish open and sincere communication, in which the physician explains the conflict and offers to seek the best possible solution, but always bearing in mind the fairness of the system and that third parties cannot be undermined.

Sgd.: ASISA-Lavinia Bioethics and Health Law Committee

16th of January 2024