

CLINICAL ETHICS CONSULTATIONS: BETWEEN LEGAL VAGUENESS AND ACTUAL NEEDS

(WITH REFERENCE TO UNIVERSITY HOSPITAL RIJEKA)

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ABSTRACT

Healthcare Ethics Consultations – HEC are services offered by an individual or group with the goal of aiding a patient, family, guardians, healthcare workers, and all other included parties as they confront uncertainties or conflicts related to issues of moral values present within the system of healthcare. They are divided into two basic sub-groups: Clinical Ethics Consultations (CEC) and Organizational Ethics Consultations. Clinical Ethics Consultations dominantly address issues related to the everyday care of patients in a clinical surrounding.

The system of clinical ethical consultations recognizes three levels:

1. Ethics committees (work in larger groups, usually 12-15 members),
2. Smaller groups for counseling (team or group consultation, as e.g. subgroups of ethical committees, usually 3-4 members),
3. Individual counseling (individual consultation, i.e. *face to face*).

Consultations by smaller consultation groups (team consultations) or consultations by individual consultants are not developed in Croatia. Thus, it could be deduced that the Croatian experience of clinical ethics (more specifically of the process of moral decision making within the clinical surrounding) is shaped solely by hospital ethics committees. It is especially important to emphasize that review of scientific and clinical research protocols is underlined as their main activity, neglecting other important functions (education, case analysis and consultations, development of guidelines and institutional protocols). Such situation additionally complicates request for help in solving ethical dilemmas in everyday clinical practice.

The reason may lay in the fact that Croatian hospital ethics committees are of the so-called “mixed type”, combining functions of research ethics committees (Institutional Review

Boards - IRB) and clinical ethics committees. Since 2002 concrete efforts of the National Bioethics Committee of Croatia began in order to separate research-ethical activities from clinical-ethical ones, and officially establish two types of committees in Croatian health care institutions. Only in 2006, through the amendment of the Health Care Protection Act, two functions were distinguished, and the existing “mixed type ethics committees” were divided into “hospital ethics committees” and “drug committees”, the later taking over the functions of institutional review boards. Unfortunately, the still persistent *legalist approach* transforms potentially useful bodies into merely *administrative* ones, established for purpose of meeting legal demands.

The overview of a decennial activity (from its establishment in 1997 until the end of 2006) of the Ethics Committee of the University Hospital Rijeka substantiates the omnipresent Croatian trend of the review of scientific and clinical research protocols as the hospital ethics committees’ main activity.

Key words: ethics, clinical; ethics consultations; ethics committees; jurisprudence; codes of ethics; statutes and laws.