

ETHICAL AND LEGAL ISSUES

CHAPTER OBJECTIVES

1. Identify the ethical principles relevant to the provision of palliative care and hospice care.
2. Define and compare advance directive, advance care planning, living will, durable power of attorney for health care, will, POLST/MOLST, and do-not-resuscitate order.
3. List the ethical and legal issues that may affect LGBTQ individuals in particular.
4. Describe how you can help LGBTQ individuals and their families navigate the ethical and legal issues they may encounter.

Key Terms: advance care planning, advance directive, autonomy, beneficence, do-not-resuscitate order, durable power of attorney for health care, ethical principles, health care power of attorney, justice, living will, nonmaleficence, out-of-hospital/provider/physician/medical order for life-sustaining treatment (POLST/MOLST), will

CHAPTER SUMMARY

Palliative-care and hospice professionals have a duty to the patients and families they work with—of all sexual orientations, gender identities, and gender expressions—to adhere to a core set of ethical principles in carrying out their work. These ethical principles compel them to honor the autonomy of the people they serve. In health care, autonomy is “protected” through the **advance care planning** process. Surgeon and author Atul Gawande writes of the true meaning of autonomy in *Being Mortal*: “He moved his line in the sand. This is what it means to have autonomy—you may not control life’s circumstances, but getting to be the author of your life means getting to control what you do with them” (Gawande 2014). This chapter provides an overview of the ethical principles that guide practice, the elements of advance care planning, and the legal issues that may affect LGBTQ individuals in particular as they navigate serious and life-threatening illness and seek to remain the authors of their own lives.

None of the following information is intended to constitute legal advice, nor is it my intent to encourage you to provide legal advice to your patients and their families. The information in this chapter is designed to make you aware of some of the ethical and legal issues that LGBTQ individuals and their families may encounter so that you can provide support and guidance within the scope of your professional discipline. For a deeper dive into ethics as they relate to health care delivery, I highly recommend Beauchamp and Childress’s *Principles of Biomedical Ethics* (2013).