

Duty to Care

When can we say no?

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Disclosures

- (for the life of the current research/presentation)

	Matt Mason
Financial support to attend conference	J.C.U
Advisory Board Membership	No
Paid Consultancy / Honoraria	No
Grants / Research Support (incl. Clinical Trials)	No
Stock Holder	No
Financial Support (other)	All offers considered

Introduction

- Providing Health Care is Dangerous!
 - SARS: HCWs >50% of cases
 - Influenza Pandemics
 - Cholera
 - Less sexy:
 - 18,500 sharps injuries in Australia a year
 - Pertussis
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Why Care?

- Society expects HCWs to provide care
 - This has included getting in harm's way
 - Earthquakes
 - Infectious Disease Outbreaks
 - Wars

 - Do historical precedents remain valid?
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Duty ? Care

- Duty of care vs. Duty to care
 - Often used interchangeably

 - Duty of Care relates to the provision of care

 - Duty to Care relates to the requirement to provide care
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Duty to Care

- HCWs share the same duties as other members of society
 - **EXCEPT:** HCWs accept some risks and challenges that others do not have to confront
 - In the past (and present) HCWs respond to the needs of others despite the risk to themselves
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Duty to Care

- Acceptable risk
- Same for everyone?

“The benefit the client will gain outweighs any harm the nurse might incur and does not present more than an acceptable risk to the nurse.” American Nurses Association 1994.

Risk



Hierarchy of controls

1	Eliminate the hazard — remove it completely from your workplace.	<i>If this isn't practical, then...</i>
2	Substitute the hazard — with a safer alternative.	<i>If this isn't practical, then...</i>
3	Isolate the hazard — as much as possible away from workers.	<i>If this isn't practical, then...</i>
4	Use engineering controls — adapt tools or equipment to reduce the risk.	<i>If this isn't practical, then...</i>
5	Use administrative controls — change work practices and organisation.	<i>If this isn't practical, then...</i>
6	Use personal protective equipment (PPE) — this should be the last option after you have considered all the other options for your workplace.	

- All Australian jurisdictions have similar OH&S requirements
 - Employers must provide a safe workplace
 - Employees must follow P&P to ensure safety
 - Do Standard and Additional precautions work?
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Foreseeability

- A vague legal term relating to the information available at the time
 - If it could be foreseen that an action may cause an injury => Litigation
 - HCW risk known, controls known, but injury/illness still occurs
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Impact

- Duty of care means we should provide the best care we can
 - Duty to care means staff can legitimately refuse to provide care
 - BUT only under circumstances
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Staff must believe that they are at risk

Staff must provide a level of care based on the level of risk they are willing to assume

Whether or not this risk extends to family is not clear

Implications

Infection Prevention and Staff Health programs need to have an on going education program

This needs to include the everyday and the extraordinary

Health services and governments need to plan for HCWs to say no

Further Research

- Areas include:
 - Societal expectations
 - Workforce expectations
 - The role of Infection Prevention in ethical practice
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