

## ETHICAL CHALLENGES IN NURSING: BALANCING CARE, CONFIDENTIALITY, AND CONSENT

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### Abstract

However, a nurse always faces a complex ethical dilemma when providing care, confidentiality and protection of the client's autonomy which is explicitly protected by informed consent. In this article we look at the ethical responsibility of the nurse in a multidimensional manner highlighting extremely important tension between providing love care, maintaining patient confidentiality and obtaining valid consent. Although ethical principles may conflict, for example, when there is a need to disclose information for treatment but it violates the patient's privacy; or care is refused by the patient but there a concern about autonomy versus beneficence, the nurses are considered as frontline caregivers. Both of these dilemmas become more complicated in light of cultural diversity, technological developments, legal obligations and institutional policies. This paper reviews contemporary literature and undertakes a case based analysis to identify key ethical frameworks to guide nursing practice such as the principles of autonomy, beneficence, non-maleficence and justice. It also examines how communication, critical thinking and professional ethics education helps NPs address these challenges successfully. As ways of assisting nurses in making ethically sound decisions, the following strategies are discussed: ethical consultation services, interdisciplinary collaboration and ongoing training. Finally, this work emphasizes the necessity to reawaken ethics competence in nursing to accompany patient centered care that is patient inclusive yet meets clinical and juridical standards. The fostering of an ethical aware and supportive culture within healthcare environments will help nurses manage the difficult 'treat or betray' balancing act between care, confidentiality and consent and uphold the ethical integrity and trust central to the nursing profession.

### Keywords:

*Ethical Dilemmas, Patient Confidentiality, Informed Consent, Nursing Ethics, Autonomy, Beneficence, Professional Responsibility*

## INTRODUCTION

As a profession, nursing is ethical by its nature, and it is anchored in the concept of care, compassion and respect of humanity. Nurses are commonly faced with complicated ethical conditions in which they have to make rapid values driven judgments that affect the welfare of patients. Such ethical aspects does not come in the periphery of the role of a nurse and define the practice itself and the identity as a nurse (Grace, 2018). Nursing ethics demand more than the clinical expertise as well as the capacity to adhere to morally grey areas, which is prevalent with the life-sustaining procedure, the end-of-life decisions, and patient rights (Numminen, Repo, & Leino-Kilpi, 2017).The focus of modern nursing is the patient-centered character based on the respect of values, needs, and autonomy of a patient. Ethical practice plays a critical role in providing patients care with concern, equity and free will (Epstein & Street, 2011). Nurses have a job to accommodate clinical priorities and the preferences of the individual, which frequently places them in a sensitive ethic situation where the two overlap. As an example, sharing of confidentiality with family members during the process of care planning may present moral dilemma. In them, ethical theories help nurses to promote the interests of their patients without violating the laws and institutional requirements (Perry, Potter, & Ostendorf, 2021). With the progression in technology, the different patient populations, and interdisciplinary work teams, the healthcare setting is getting more and more complex, and the ethical issues become more specific and frequent. In these contradictions, nurses play at the forefront of their encounters with decision-making that influences the quality of care and the rights of the patients (Ulrich et al., 2010). These issues of ethical privacy and management of data, consent in cases of emergency and access to care raise concerns of equity and equal access and thus the role of professional ethical reflection and evaluation. This kind of dilemma actually requires both individual and institutional backup to support the ethical conduct in practice (Gallagher, 2010).The purpose of this article is to examine ethical dilemmas that can occur under the work of a nurse and especially find the evidence of harmony of patient care, confidentiality, and informed consent. Through a study of fundamental ethical principles, typical clinical ethics issues and the importance of institutional material support, this discussion aims at gaining an all-inclusive perception of an ethical nursing practice. It also shows effective approaches used to help deal with ethical conflict namely, scrutiny of further learning, consultations on ethics and regulations. The final aim is to aid nurses to be capable of delivering morally acceptable, patient-centered care in a more complex healthcare environment (American Nurses Association, 2015).

### **Ethical Principles in Nursing**

Ethical principles form the basis of nursing practice and provide the professionals with morally valid decision making in the process of treating their patients. Five general principles include beneficence, non-maleficence, autonomy, justice, and fidelity that are generally accepted to belong to the healthcare ethics. Beneficence is an ethical code that requires the act of doing what is good in the interests of the patient, that is, to further the good and do positive actions to avoid or eliminate improvement. An almost identical but of importance, non-maleficence stresses on the desirability of not inflicting harm deliberately. These two principles tend to coexist, and it makes sure that nurses always perform clinical interventions with compassion and caution (Beauchamp & Childress, 2019).The other important ethical principle is autonomy, which acknowledges the right of the patient to make informed decisions regarding his/her health care. When patients make decisions that contradict the medical diagnosis, nurses are bound to

consider and uphold their decisions, however outrageous they may be, as long as the patient is proficient and well aware of their decision. Justice can be described as the equal and fair sharing of healthcare provisions and the impartial treatment of patients without consideration of a person, or their circumstances or status. Fidelity is about being faithful and remaining in trust; it is about being truthful to the patients, keeping promises and behaving in a professional manner. All these principles guarantee that the nursing practice corresponds to legal and ethical responsibilities (Butts & Rich, 2020). These principles are used in everyday nursing practice, every clinical decision, interaction with patients and interdisciplinary communications. As an example, in the case of pain treatment, a nurse takes into account beneficence and non-maleficence, i.e., attempts to relieve suffering with minimum harm to the person. Autonomy is showed by the respect of a patient who decides not to take treatment and justice is shown when all patients get equal attention. Trust is supported by regular, veritable communication and accountability of the professionals. The two principles jointly inform nurses to provide ethical and person-centered care in various healthcare environments (Johnstone, 2021).

### **Balancing Patient Care and Autonomy**

Striking a balance between obligation to offer the best care and upholding patient autonomy is one of the most important issues in the nursing practice. Having said that although a nurse is required to make decisions in the best interest of the patient, he/she is also required to respect the right of an individual to make their own choices regarding their health even when the choices made are in contrast to clinical recommendations. This conflict is especially intensified when patients refuse some therapies nurses and doctors deem necessary in enabling them to recover or survive. By observing autonomy, competent patients should be allowed to decline treatment even at the risk to their life, and the nurse would need to make sure that the treatment choice is made wisely and consciously (Beauchamp & Childress, 2019). Incompatibilities between autonomy and clinical care occur in many situations. An example is presented when a chronic illness patient refuses life-sustaining dialysis because of personal beliefs even when a medical team prescribes it. On the same note, a competent patient declining a blood transfusion due to religious reasons provokes the preservation of life instinct of a nurse. In those cases, the nurses have to deal with emotional and ethical complexities and stay professional. This issue becomes even more problematic when the family members do not agree with what the patient desires, and the nurse will be in an awkward mediation position between the medical obligation, the right of the patient and the support of the family members (Johnstone, 2021). So that to address these ethical conflicts, as means, nurses can use the strategy based on the application of ethical frameworks, and effective collaboration communication. A good strategy is that of shared decision making where the nurse encourages free discussion by the patient, family and the healthcare team so that they understand one another. Hospital ethics committees may be used to give further direction in this complicated situation. By ensuring that the patient is completely aware of the consequences of their decisions, being empathetic and culturally sensitive, it is possible to foster the trust to yield ethically more acceptable results. In conclusion, it is necessary to combine care and autonomy, and such aspects need to be implemented with moral sensibility and institutional assistance (Butts & Rich, 2020).

## **Confidentiality in Nursing Practice**

In nursing practice, confidentiality is not only a legal requirement but also an ethical duty which has its foundation in principles of a trust-based relationship, respect, and patient autonomy. Nurses are expected to guard or guard personal health information through legal policies like the Health Insurance Portability and Accountability Act (HIPAA) in the United States, as well as through other privacy regulations around the world. In an ethical way, the confidentiality duty is informed by the fidelity principle that focuses on retaining professional trust and respecting patient privacy (Beauchamp & Childress, 2019). Practicing confidentiality raises the nurse-patient relationship and, above that, makes people feel safe to share information that is considered highly sensitive but at the same time crucial to the proper diagnosis and effective treatment (Johnstone, 2021).

The ability to keep things confidential is nowadays much more difficult than before in view of the intricacy of the current health care systems. Along with the benefits of enhanced efficiency, use of digital health records may pose a risk of data loss due to security breach and misuse by unauthorized users. Furthermore, the nature of multidisciplinary teamwork involves exchanging of information about patients, and thus the chances of accidental leakage will be high. Confidentiality breaches may take place during some afterthought talk in the streets or during handling of electronic information or the inability to keep the information under lock and key. These falsification can result in legal action, loss of credibility with the patient and professional disciplinary action. Thus, nurses should be cautious and follow the principles of privacy strictly, without having to revise their available knowledge on ethical and legal provisions regularly to remain efficient in their duty of securing the information of patients (Butts & Rich, 2020).

## **Informed Consent: Challenges and Realities**

Informed consent in healthcare is an ethical and legal principle that obliges medical procedures or treatments to be understood and accepted by the patients. To have a valid consent, it will need to achieve some important components, namely, the patient should be given the adequate amount of information, have the ability to comprehend it, and make the decision freely, without any kind of conditioning. To this end, nurses must ensure that this process is going well by confirming that the patient understands, addressing any queries, and defending the right of the patient to make independent choices (Beauchamp & Childress, 2019). Informed consent is not only independent of infringing patient rights but also the creation of trust and openness within the relationship between the nurse and the patient. Nevertheless, it is sometimes difficult to get informed consent when you work with vulnerable populations. There are ethical and legal issues with regard to informing elderly patients who experience a decrease in the ability to make cognition, unconscious individuals, or patients with language and literacy barriers, who may not hold the capacity to give informed consent. When there is emergency/critical care case where a life is at stake and one has to act immediately then prior consent will not be possible. When this happens, the healthcare provider, including the nurses, should make a decision in the best interest of the patient, based on the doctrine of implied consent, even though they want to act best they can regarding autonomy (Johnstone, 2021). Such situations require serious ethics, cultural awareness, and organizational procedures that guarantee that the rights and welfare of patients will not be undermined despite situations of time pressures or complex nature (Butts & Rich, 2020).

## **Practical Dilemmas and Case Studies**

In the nurse profession, ethical issues often have a real-life aspect where there is a need to balance between two values, including but not limited to patient care, confidentiality, and informed consent. The most typical case is when a patient with a terminal disease says no to any further treatment, whereas his or her family demands that it had to be continued under emotional or cultural influence. The other one is the revelation of health sensitive information like an HIV status where the patient refuses to reveal them to partners or family members. Such situations put the nurses in ethically difficult situations and require them to determine their professional obligations and the ethical principles of autonomy, beneficence, and fidelity (Butts & Rich, 2020). What any patient is facing in these dilemmas constitutes high stakes and requires ethical awareness and good judgement so that the decision made is not only right according to patient rights but also in regard to clinical requirements. To overcome such ethical dilemmas, a nurse tends to apply some forms of organized decision-making models. Using the Four-Box Method, as an example, clinicians are urged to evaluate dilemmas using categories such as medical indications, patients, quality of life, and contextual characteristics. On the same note, the guide offered by the American Nurses Association (ANA) Code of Ethics points to the same direction concerning all other aspects: the issue of respect to human dignity, defense of patient rights, and responsibility towards the profession. The use of such frameworks can assist nurses in clearing up the ethical priorities and justifying choices in complicated cases (Johnstone, 2021). Case analysis by combining it with ethics theory will allow a nurse to systematize his/her perception of the dilemma and always be able to provide care without violating ethical principles in the most difficult situations (Beauchamp & Childress, 2019).

## **Role of Institutions and Policies**

The role of institutions in contributing to ethical nursing practice is fundamental in terms of formulating of policies, establishment of hospital ethics committees and formulation of clear clinical guidelines. Ethics committees create a formal arena in which the difficult moral issues between healthcare specialists are discussed, advice is given and they assist in coming up with a solution in difficult situations. They also usually consist of a multidisciplinary group comprising clinicians, ethics, and legal counsel to support a nurse in case of a conflict between ethics and patient care, patient confidentiality, and consent (Butts & Rich, 2020). Institutional policies based on ethical frameworks do not only standardize but also safeguard both patients and staff to make sure that ethical principles will be maintained. Ethics training and legal education are also critical in the making of a responsibly vertical nursing practice. Practical training enables the nurses to identify ethical problems, utilize decision-making models and learn about the legal consequences of their steps. National nursing laws, like the Health Insurance Portability and Accountability Act (HIPAA) or other, govern the acceptable scope of practice, and protect the rights of patients (Johnstone, 2021). Institutions should support ethics education and the formulation of policies so that they can create a culture of accountability and reflected practice that can lead to better patient outcomes and professional integrity in the long run (Beauchamp & Childress, 2019).

## **Discussion**

Ethical problems that need to be encountered by the nurses are rather complicated and multidimensional and they demand a circumspect approach to various conflicting principles, e.g. autonomy vs. beneficence

vs. confidentiality. Some of the commons are tensions that may occur when autonomy of the patient interferes with a clinical judgment of the healthcare team or when the confidentiality may endanger others lives. Also, the informed consent in emergent situations and safeguarding the information of patients in an information-intensive age were added to the identified challenges of nursing roles. All these difficulties are intensified when it comes to high-stakes environments such as a high-stress setting in emergency departments or an intensive care unit because these decisions have to be made in a very short time with an emotional burden (Butts & Rich, 2020). Nurse-patient communication is required in order to address such ethical issues successfully and make care respectful, transparent, and patient-centered. Communication promotes patient-provider communication and trust as well as enables patients to know their rights and take part in decision-making. Trust, in its turn, makes patients able to tell personal information to use in the examinations and feel safe in their treatment process. Involvement in compassionate, honest, culturally sensitive communication equips nurses to resolve ethical tensions or maintain professional values in the event that clinical outcomes are unpredictable (Johnstone, 2021). Trust is an ethical commitment, and an essential prologue to secure and efficient treatment. Professional accountability is also a central factor of ethical nursing, particularly when in situations of moral distress which include states of emotional disturbance when the nurse is not able to do something that is ethical because of institutional or hierarchical reasons. As an example, a nurse can be convinced how powerless he/she will feel as he/she is being compelled to make decisions that are contradicting with his/her understanding of what is good to do with a particular patient. When this distress is not contained it may result in burnout and emotional exhaustion. Thus, enhancing an ethical working culture understanding of the ethical reasoning, discussing cases with other peers, and getting access to institutional tools such as ethics committees would play an essential role in encouraging ethical integrity and emotional health (Epstein and Delgado, 2010).

## **Conclusion**

Medical dilemma related to nursing and care of patients, especially the need to balance between patient care, the confidentiality of patients and an informed and/or consented patient, is still highly entangled in the complications of contemporary care. Most nurses should regularly struggle with tensions between the patient autonomy and provision of optimal care, and to keep sensitive information safe, under the perceived limitation of actions by law, and institutions. Such dilemmas mostly come out strong in emergency contexts or in a culturally diverse or a vulnerable patient setting. The principles of beneficence, non-maleficence, autonomy, justice, and fidelity have a guiding framework, yet the stages of actual practice require a continuing ethical assessment, communication, and professional responsibility (Beauchamp & Childress, 2019). To curb these problems, the emphasis that institutions should focus on is to create a thorough ethical policy, frequent ethical training, and the creation of a suggestive environment that makes it easier to rest and discuss. By introducing ethics training into their university studies and in post-degree education, nurses will be able to increase their level of confidence and professional competence over the management of ethical issues. Moreover, making an ethics committee accessible and the existence of clear institutional policies and guidelines would be helpful in the decision-making processes. Since the development of healthcare systems, additional studies dealing with nursing ethics are crucial to investigate new challenges, analyze the functionality of the existing systems, and provide policy and practice recommendations in various clinical settings (Johnstone, 2021).

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