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Event

Discipline Case Management Conference

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Presenter

Barbara Bartlein, RN, CSP, The People Pro

Bartlein: Thank you. How's everybody?

Audience: Good.

- Good good good. I'm a nurse and when I went to nursing school I never took a class in ethics. In fact I don't even remember ethics being talked about in nursing school. Which now looking back I kind of find astounding. I mean really. All right okay it was a while ago don't be so critical.

[laughter]

When you think about all the ethical issues in healthcare I just can't believe that we never even discussed any of it.

Now about 10 years ago I was approached by the university of Wisconsin Milwaukee and they asked me to develop an ethics course for social workers. I did so with, it's online and I teach it in person. After that they asked me to develop one for psychologists, for counselors, for EAPs and listen to this for engineers. Like I know anything about being an engineer. By the way just a little gossip for you out of all the students that I teach the ones that complain the most are the engineers and they argue with me. So my question for all of you tonight is how ethical are you?

Let's take an ethics test. By the way ethics are what you do when nobody is looking. If you're looking for a definition at least that's my definition.

Let's take an ethics test. Would you exaggerate your losses on an insurance claim? A maybe if I thought they were going to be difficult to settle. B probably a little just enough to cover the deductible. C of course but only to make up payments suffering. D I'd do just as much as I thought I could get away with, it's free money. So mark down A, B, C, D.

How about E no that would be illegal.

Would you sell a story to the tabloids for one million dollars knowing it would ruin somebody else's life? Maybe but only if I knew it was true, only if I really need the money, C I'd do it in a heartbeat, D are you kidding for a million bucks I would sell you my sister or E no that would be horrible. How about this one would you let a co worker make a fool of himself or herself just so you look better by comparison? That's tempting but probably not. B maybe it depends who we're talking about. C sure I would it's a dog eat dog world out there. D I've done it before and I would do it again. How do you think I got to be VP or E absolutely not.

Do you agree with the following statement its okay to steal from large corporations because they're all inherently dishonest?

A maybe some of them are dishonest but probably not all. B I kind of agree as long as no one gets hurt. Stealing is such a dirty word let's just call it long term loan. D been there done that and I'm going back for more or E no I don't agree. Who came up with these questions? So did you score all Es in my little test? If you did you're really an ethical person and in reality we run up against ethical issues every single day. Sometimes they're small, sometimes they're large. In fact on month working for the University of Wisconsin they paid me twice. It was one of those months that I had a bad cash flow and I really needed the money and I'm thinking they'll never know. That was the first time they had I'm just being honest with you and then I'm thinking how can I get paid double for teaching an Ethics course and keep the money? I don't think I better do that. So why Ethics? Ethical issues especially in health care often happen in isolation. People are doing their individual practices or they're involved with a patient or family, they're often in isolation. Too often people assume Ethics are black and white.

This is the problem I have with those engineers I talked about. They get mad at me and they say, "You're not giving me an exact answer." You know why?

Because a lot of times there isn't one. A lot of time it has to be talked through and it has to be examined. That's what ethical teams do. That's what ethical committees do. Ethics may conflict with what's best for the client or the patient.

Questionable ethics can destroy careers and organizations. You only have to pick up the paper any morning and you will see ethical issues in the paper and you'll see maybe a career that went down the tubes, an organization that got into trouble because somebody broke good ethic practice. Maybe you remember this guy.

Remember him Kenneth Lay? He was head of the Enron. While Enron was going down the tubes he went to all of his employees and said, "Don't get rid of the stock it's going to be more valuable than ever."

While he secretly sold off his. You may remember it took down the whole corporation, people lost their pension, they lost their benefits, they lost their 401, and they lost everything. He died by the way before he ever went to prison.

What about this guy, Bernie Madoff. Everybody know that Madoff story? If you want to see a wonderful documentary on Bernie Madoff, HBO has a documentary on what he actually did and how he did it.

Which you may recall was a ponzi scheme. Where basically he took money not only from individuals but large corporations, large non profits and then every month he would send them a false statement showing that their investment was having just remarkable gains. You know the old adage if it looks too good to be true it's too good to be true. A lot of people including a number of celebrities invested with: Kevin Bacon, Spielberg did, some big big nonprofit organizations. While Bernie was sinking all that money in he was out spending it. He had houses and yachts. He also pulled his two sons into the business and had them go around and broker.

Eventually when these all started to come crushing down he told his sons what he had done. They immediately called the authorities. Now you may know the rest of the story and that is one son committed suicide because he just couldn't live down the stigma of what happened in that family and the other one just died of cancer I believe late last year. Bernie is in prison. In prison he had tattooed on his chest pardon my French that f' the victims. What he says in an interview is it's their own fault. They were greedy.

People were literally throwing money at me to invest. I would tell them no and they would beg me to take their money to invest because they wanted to see those kinds of returns. They were the ones that were greedy. He said, "I did this all for my family. My family comes first." Which in my mind if you take two of your kids into illegal enterprise I don't know how you can say family came first. So that's the story of Bernie. Check out that documentary you would enjoy it. The financial collapse of 2008 is directly attributable to psychopaths in corporations. Of course I love psychopaths

I study them so interesting. As an aside I was in Budapest last year and my husband and I when we travel we like to get out of the way places. We went to a little side street that was famous for its Madoff museum. We walked in and when you went into the Madoff museum you had to sign your name and where you were from. I put Barbara Bartlein Milwaukee, Wisconsin. My husband put down his name and instantly a crowd surrounded us. Several workers at the Madoff museum said really you're from Milwaukee? Oh that's great. Did you know Dahmer? We really found out the significance of the fact we were from Milwaukee because in the exhibit they had Ed Gein who was also a very famous serial killer from Wisconsin and they had John Gacy who was from Chicago.

But in Budapest they don't know the difference. Here's the funny part my husband's co-worker did know Dahmer. She lived across the hall from him. She would have coffee with him. She said he was the nicest guy you could ever hope to meet and that's part of my message for all of you tonight. You don't know when you're dealing with this. There's no way to know.

They're often very charming and let me tell you something there are a lot of psychopaths in healthcare. Let me give you some examples. In Nevada a doctor named Dipak Desai he did a \$2.2 million scheme to overcharge for anesthesia. He overstated the time that was performed by nurse anesthetists. The nurses by the way didn't get a cut just as a side thing. In 2013 he was also sentenced to life in prison because he double dipped needles. Did you read about this? Real ethical issue here. It resulted in a large outbreak of hepatitis C. In fact 64,000 people had to be tested. So not only is he scamming but he's putting the public at risk. How about this guy nine doctors, fourteen others in New York.

They recruited low income and homeless people with the offer of free snickers.

Then what they did if they had Medicare card they would give them unnecessarily tests along with the shoes. Between 2012 - 2014 the defendants spent more than \$6.9 million in fraudulent claims.

There was a medical clinic in New Orleans submitted 50 million in false claims between 2007 and 2014. 13 people were indicted including two doctors. Louisiana home care company by the name of Priority Care at Home and 20 other accomplices were indicted for their role in \$30 million Medicare scheme. They hired house doctors to sign orders and plan for care for home health care services that weren't needed. They also filled fraudulent applications related to the explosion that occurred on a deep water Horizon oil rig in April, 2010. So you know they're just going looking for deep pockets. How about Biodiagnostic Laboratory Services 37 people including 24 doctors pleaded guilty to massive healthcare bribery scheme. They received more than 100 million in payments from Medicare and various private insurance companies. They also conducted money laundering. How about HCA hospitals?

They were cited for unnecessary cardiac work. They conducted an internal investigation after a nurse wrote a letter. By the way nurses often bust these things. That's not uncommon at all because nurses see what's going on and they are the ones that often report things. Reportedly cardiac interventions like a cardiac cath were being done on people who didn't need them. I wouldn't be very happy about that. Most of the fraud happened in Florida which has a very large older population. Now this is what I found interesting in 2000 there was a Medicare settlement of 1.7 million when Rick Scott was the CEO of HCA. He now is the governor of Florida. Isn't this interesting? I really love this stuff.

I have found that people get a specific look when they've done something unethical and get busted.

By the way is what Clinton did with Monica Lewinsky unethical? How many people think it is? Raise your hand. How many people think it wasn't? How many people just don't care about this anymore? Enough already. Actually it was very unethical because of an imbalance in power and whenever you have a discrepancy in the power differential you have the potential for ethical problems.

There was another issue of course with that whole mess and that is by his actions he put the office of the president in jeopardy. Because she was in a position to either bribe him or extort from him or sell information or whatever. So yeah there were big ethical issues. Here's another guy see what I mean about the look. Watch this now on the paper. You can always tell when somebody is busted and usually they're not sorry about what they did but they're really really sorry they're busted. Don't you agree? This of course is Anthony Weiner I think if you're born with that name you might be destined for problems but that's just an opinion.

Just an opinion. You may remember him he's the one that took pictures. I believe you gentlemen refer to it as the package. He took pictures and he sent them over the internet. His wife of course stood by him, wife's tend to do that until he did it again and that was kind of... I mean I don't know is he still trying to make a comeback? I haven't followed him lately.

So question for you is what he did unethical? People are sending selfies all the time of all sorts of things. Again what made it unethical is he was a senator at the time. So we had a power differential. That's a Lerner she's from... You may remember her she was head of the IRS she since has resigned. This was when she testified in front of Congress about missing computer emails and so on. That of course is Roger Goodell NFL. Oh they have some problems, don't they? Not the least which are 87 cases of domestic abuse in the last 8 years. Now you've only heard of one or two I bet but actually there are 87 in the last 8 years and they have yet to really establish- They're just starting to establish a specific policy. This is when he did the press conference after the Ray Rice mess at which point he said we really screwed up basically I'm summarizing it for you and then he had that look.

So let's take a look at the top five ethical issues in health care. Number one balancing care, quality and efficiency.

What is the driver for health care? Is it quality, is it cost, how efficiently we can do it? I don't know. I had a recent health care experience I got attacked by a pitbull. Not a good time. I was taken to a local ER. I got two stitches because if you're familiar with dog bites they don't stitch them close they have to heal from the inside out. Also the dog wasn't vaccinated so I had to have all the rabies protocol and gamma globulin and all that kind of stuff. Any guess what my ER bill was? Do we have any guesses? - About 15,000.

- 15,000. No it was 18,000. \$18,000 and I never saw a doctor. Never saw a doctor.

By the way the ANA code of ethics says regarding this says the nurse collaborates with other health professionals and the public in promoting community, national and international efforts to meet health needs. But let's take a look at this. What values drive the health care system? Study by Bloomberg rates America 46 in health care efficiency, 46. Countries were ranked on life expectancy, relative per capital cost and absolute cost. The US ranks worse than China, Algeria and Iran. US ranks second in health care cost per capita only outspent by Switzerland which is in the top 10. So we're spending lots of money but I don't know if we're getting the outcome that we're looking for. This is a new hospital in the Milwaukee area, it's a new hospital. We have a bunch of new hospitals in the Milwaukee area. Guess how many patients were in this hospital last weekend? Nine patients because all the hospitals in the Milwaukee are overbuilt and in fact the cost for health care in Milwaukee tend to be about 40% higher than the health care cost in Chicago.

I guess I found that out with my dog bite. Here's another at the court issue that's coming up access to care. Access to care.

How do the uninsured and under insured access care? Anybody?

- Emergency room.

- Emergency room of course. I left when I was in the ER with my dog bite because it was like a parade of sore throats and ear ache and I'm like really! Who's paying for that? Everybody is paying for that. Code of ethics says it's the responsibility of the professional nursing association to speak for nurses collectively in shaping and reshaping health care within our nation. Specifically in areas of health care policy and legislation that affect accessibility, quality and the cost of health care. Nurses are expected to have a voice in this.

Now let's talk for a minute about the VA system. The VA system is broken and as you know there is a lot of interest congressional taking a look at what's happening with the VA system. An internal audit firm found that 120,000 veterans were left waiting or never got care. CNN reported at least 40 veterans died while waiting and veterans waited an average of 115 days for an appointment. The FBI opened a criminal investigation last year and now this whole thing has sort of exploded with the VA. Then looking at that... By the way what the VA says in response is that they didn't anticipate.

Even though we went into wars in Afghanistan and Iraq and so many of the guys came home with just horrific injuries they didn't anticipate that demand on that health care system. I'm not a rocket scientist but I think it should have been anticipated. I don't think it's that hard to see anymore than it's hard to see what's going to happen in the next 20 years with the boomers. All you got to do is look at some demographic trends isn't that hard.

Now some interesting things started happening. Have you been following what CVS is doing? CVS wants to be your doctor office. They're opening up in all their pharmacies. I love this corporation in many ways by the way because they got cigarettes out. CVS eliminated all cigarettes and every time I go into Walgreens I do point that out to them.

Because Walgreens advertises I'm at the corner of happy and health. Every time I go in, they really don't like me, every time I go in I say, "How can you are at the corner of happy and healthy when the first thing you see coming in the door kills your clients? Isn't that a problem?"

You know some clerk getting eight bucks an hour is so thrilled to have me down their throats but write letters. I always encourage people to write letters. But CVS is on the right path. The CEO of CVS literally wants to become your doctor's office. So they're putting nurse practitioners in, they're putting doctors in, they're putting in networking so they can coordinate with primary care physicians office. People can go in they can drive those little whining children in with earache They can get them looked at, they can pick up the prescription right there, get them a treat, take them home you're done and 24 hours a day. Now compare that to the access you have even with the primary care physician. I love my primary care physician but that will take me at least three days to get in even with something urgent. Here you can walk right in. This is going to revolutionize health care I'm convinced. Larry Merlo is the CEO. He thinks that CVS can save lives in billions not millions, billions of dollars. Basically what is he doing? He's creating accessibility for uninsured, under insured, poor people. You know the visit with nurse practitioner maybe will cost \$20. That's like co-pay on your insurance. All right I mentioned they took-- They call it the Minute Clinic business.

Currently there are 970 locations; he plans to open 500 more this year. Convenient after hour visits, they use physician assistants, nurse practitioners, they coordinate back. Well some people are complaining by the way. Some people are saying while that's going to fragment care. I don't think you can get much more fragmented than going from ER to ER in my opinion. I think it's a great idea.

Let's look another issue. End of life issues. Nurses run into this all the time. Families run into it all the time. The ANA code of ethics says respect to human dignity requires the recognition of specific patients

rights particularly the right to self determination. Self determination also known as autonomy is the philosophical basis for informed consent in health care. This is my kitty, Tigger. He helps me write. He has to lay there while I work. Unfortunately we had to put Tigger down two month ago. I know he is 18 years old he was with- I mean I like him better than my husband. That's how much I love Tigger. He was much more royal, much more forgiving but when it came to time to put Tigger down and it was clear it was time here's how we did it. My daughter who is a vet came over, we gave Tigger a steak dinner, we gave him morphine, Stephanie candled him up and they slowly put in the chemicals to let him go. It was peaceful. It was nice. My husband actually had made him a casket with a heart on top. This is really nice.

Here's another picture of Stephanie with Tigger. Just a great cat.

Now compare that to how the typical American dies. How does the typical American die? If they're smart they die at home with house based care and in fact some people are. By the way do you know who this is? Bobby Christiana Brown this is the daughter Whitney Houston and Bobby Brown she was found in a bath tub January 31 unresponsive. They revived her and she now is permanent vegetative state. I think she's pretty much brain dead and Bobby Brown is keeping her alive on a ventilator. If you read up on it a little bit because it's kind of interesting talk about it... It will make you feel better about your own family. I'm going to tell you that right now because they're fighting like cats and dogs. The grandmother and aunt are on track to inherit \$20 million if she dies.

Bobby Brown doesn't want to pull the plug because he says he believes in miracles.

Here's my issue who's paying for it? Well you could say it's being paid from out of her estate but see health care and healthcare dollars aren't infinite. It doesn't matter if she has the money. It's still taking care away from somebody else.

Big issues.

Let's talk about the quality of end of life care. Fewer individuals are dying in hospitals more are getting house based care. Yet aggressive care at the end of life is still increasing. It's still increasing. Journal of America Medical Association reported that the percent of descendants undergoing multiple hospitalizations increased from 20% in 1978 to 27% in 2006 and maybe you've seen this. Either with patients or even within your own family. Where towards the end of life there's repeated hospitalization and we're just going to do everything and keep working at it and keep working at it.

If you're blessed the way that I was my mother was very clear on what she wanted. So the decisions were made very easy. When my mother we went out to dinner on a Friday night, we came back in the house.

As soon as we came back in the house she had a stroke. I knew she had had a stroke, I knew it was a serious one. I told my son and my husband to carry her upstairs and put her to bed. I crawled in bed with here and Mothers' day morning she passed away.

I knew what to do because she had been so clear. But maybe families of course are totally befuddled or it's not clear at all what the patient would have wanted. So nobody kind knows what to do. Of course we push having advance directives don't we? We push for people to do that. I'm sure everybody in this room has their advanced directives. If you don't you better get them. I do want to make a recommendation to the group however. Be careful who you pick to be your medical power of attorney. Because I picked my daughter the vet until I figured out her motto was put him down.

[laughter]

I don't recommend that and she's quite funny about it.

She says, "Even if you can eat and walk I'm probably going to pull the plug." I mean she's just terrible. I see new U-services increase from 26% to 33% for the last two to three months of life. I'm always

amazed by the way when you read some of the death notices and they'll say so and so passed away, 96, heart attack. No I think they were old.

I mean doesn't that seem strange to you?

I mean at what point do we just die of old age? But you know that's part of that denial we kind of have in the culture.

That the medical profession should be able to fix everything and I have it too. I mean I injured my thumb skiing a number of years ago and I am a pianist. So I went to the hand doctor and I said where can I get an artificial thumb? And he says, "They don't make artificial joints for the thumb." I said, "Why not I need one?" Now they do by the way not because of me.

But don't you expect if something goes wrong you can get the knee replaced, you can get the hip replaced. I mean we sort of have this attitude if we get there in time they should be able to fix it. They should be able to save us. Medicare spends almost 30% of its budget, 170 billion, on patients in the last 6 months of their life. What is the nurse's role in all of these? Are clearly is trying to get the families to talk if there was advanced directives all those kinds of things that make a big difference.

Maybe you're familiar with this young lady. This is Britney Maynard she was diagnosed with a neuro glioblastoma. Which of course is multi formed brain tumor that is very deadly and by the time she was diagnosed they gave her approximately six months to live. She went up and she knew what she was in for. So she decided she wanted to have some kind of control over what happened in their life and she moved to Oregon. It has a right to life law and death with dignity where she could end her dying process prematurely.

She gave a series of interviews and she really was a bit of a spokesperson for this whole issue. One of the things she said is that she got very angry when people called it assisted suicide. She said, "I would like nothing better than to live. I have no desire to commit suicide but I'm going to take control of how I die. I'm not just going to let it happen to me," and she dies last November.

More and more states are looking at that kind of legislation. It's not everywhere that's for sure and by the way this was predicted many years ago. One of my favorite authors Kurt Vonnegut junior wrote in his book *The Monkey House* which is actually a group of short stories. He talked about the Ethical Suicide Parlor and this book was written like 1958.

Here's the way he described I love this, "There was a Howard Johnsons next door to every Ethical Suicide Parlor and vice versa." The Howard Johnsons had orange roof and the Suicide Parlor had a purple roof but they were both the government.

Practically everything was the government. All hostesses were virgins but also had to hold advanced degrees in psychology and nursing. They also had to be plump and rosy and at least six feet tall. Their uniforms were white, with red lipstick, heavy eye makeup, purple body stockings with nothing underneath and black leather boots.

In a really good week, say the one before Christmas, they might put 60 people to sleep. It was done with a hypodermic syringe. That was written like over 50 years ago. By the way anytime you try to talk about ethics in the life issues they're always are a few people that make sound like what you're trying to set up is Ethical Suicide Parlors. In fact you may remember Sarah Palin referred to any discussion about ethics into life as death squads.

Do you remember that? See how it gets sensationalized so that we can't have a reasonable discussion about what's going on. How about allocating limited medications and donor organs. The code of ethics addresses this in a couple of different places. They say an economically constrained health care environment presents a nurse with particularly troubling threats to integrity. Moral respect accords moral worth and dignity to all human beings. Irrespective of the personal attributes on life's situation.

Remember Steven Jobs. Steven Jobs of course was the founder of Apple. You have him to thank for your iPhone. Now that everybody carries around and looks at it continuously. Steve Jobs was diagnosed with neuroendocrine cancer. It was either stage three or four at time of diagnosis and it was based on his liver but it had already metastasized.

At the time he was diagnosed he decided he was going to deal with it with holistic living. Note to self if you're diagnosed with cancer particularly a very deadly one like neuroendocrine you may want to go more with the standard treatment. He went back for scans after about six months of doing this and the cancer was everywhere.

It had exploded. It was in his liver, it was in his pancreas, it was everywhere and all of a sudden Steve Jobs got a liver transplant. Now how did he get a liver transplant?

Those of you who that have worked around transplant issues know very often they will not even consider doing a transplant if there's a diagnosis of cancer and of course there is a huge shortage of livers.

So what he did was he signed up in several states and he looked for states with the shortest waiting time. It's not illegal but a lot of people don't know you can do that and he got a liver within three months. You do know the end of the story. He ended up dying anyway but this whole thing with organs and procurement it's a big issue and it's worldwide. In 2013 a total of 121,000 Americans were waiting for an organ. Only about 28,000 got one. Please remember when you have a donor they're often giving to several people. So you can see how small that pool of donors is. Trafficking of organs is a global crime with little consistency in enforcement or any kind of coordination among countries, among agencies. WHO estimates that 10,000 black market operations involving human organs each year. You know what I bet it's a lot more. Basically what they do is in impoverished countries they go to desperate, vulnerable people and they offer them like \$5,000 or \$2,000 or whatever to donate a kidney. I call that theft but they call it a donation. Then they turn around and sell that same organ usually to a rich American, rich Russian, rich Chinaman whatever for \$200,000. But here is where all of us come in. When most people come back to the states for their follow up care nurses inadvertently and physicians are giving follow up care and the anti rejection drugs and everything for organs that were illegally obtained.

Just in the last two years has there been a movement to get the countries together to discuss this trafficking and what can be done about it.

Currently in most states if you get anybody who has had a recent transplant they have to be able to show documentation of where they got that organ. So I mean it's starting to change but believe me this is a big business. Nurses provide the follow up care. Oh and that's let's just stop for a little Hollywood gossip.

Now what happened to Joan Rivers? We're talking about ethical issues. I hope you all followed this one. Let's just review for a minute. She goes in for a routine throat procedure, endoscopy of the throat because she had hoarseness. So they just wanted to look at the vocal cords. She takes her own celebrity doctor and by the way any times you treat a celebrity you're dealing with a high risk situation remember that.

So she brings her own celebrity doctor into the operating theatre even though the doctor did not have privileges at the facility or malpractice with them or anything like that. So she brings her doctor in. They put her under. While they're looking in her throat they decide to do a biopsy which she never signed a consent for. Are you counting up these ethical issues?

They start doing the biopsy she goes into spasm in her larynx, cuts off the air way so she can't breathe, she starts to crush.

Her blood pressure is going down, her heart rate is slowing. The celebrity doctor turns and takes a selfie of her Joan in the operating room. She continues to crush, nobody does a tracheotomy which could have saved her life and instead they frantically try to revive her. Remember its spasms so she can't get any air. Long story short her daughter Melisa has a pretty good suit but you know what it doesn't bring her back. This case was absolutely amazing to me from an ethical stand point. I absolutely can't believe any practitioner knowing that celebrities especially are high risk would do that kind of thing. Watch that one it's going to be interesting how that settles.

Building and sustaining a health care workforce another big ethical issue. How many of you are experiencing nursing shortages in your state? Quite a few. Yeah well everything I'm reading it's only going to get worse. Code of ethics says a nurse participates in establishing, maintaining and improving health care environments and conditions of employment conducive to the provision of quality health care and consistent with the values of the profession through individual and collective action. Nursing shortage is projected to grow to 260,000 by 2025. Just when all of us needed it or at least I need it. One of five nurses leaves their job after one year. Shortage of nurses in school faculties restricting enrollments in many places. Of course you may be hearing some of our problems in Wisconsin. Currently there is a proposal by the republicans in the state to eliminate licenser for teachers. They're saying anybody even a college drop out with life experience can teach children. So of course me I have to write something right. So I write I say why not just let surgeons do surgery if they got a little life experience maybe cutting chicken or something. What's wrong with that? They didn't appreciate my comments. 55% of the RN workforce is age 50 or older, over half. Demand is expected to increase with the aging population.

Again you don't have to be a rocket scientist to see this one coming down the pipe. It's coming. Insufficient staffing is raising the stress level of nurses, reducing job satisfaction and driving nurses to leave the profession.

Dissatisfaction with the work culture is the number one reason nurses leave. Number one reason. They come out of school and they are kind of a starry-eyed. I mean I remember the way I was. I was going to do that and then you start going head up against some of the politics and demands.

It's a very very tough profession.

This is why Rhode Island Hospital on Rhode Island. It was investigated it a number of years ago because they had almost monthly wrong site surgery problems. Wrong site surgery is of course when you go in to have a shoulder repaire and they do the wrong shoulder or you go in to have a kidney removed and they remove the good one or you go in to have an amputation and they remove the wrong leg. Those are wrong site surgeries so they go in. The joint commission went in and started investigating Rode Island hospital. Joint commission that set up the universal protocol for surgery.

Basically you have to use a checklist, right operation, right patient, right place, and this is critical. In the operating room you're supposed to call a time out before you proceed. Everybody need to take a breath, reaffirm you've got it all but what was happening at the Rhode Island hospital is the nurses attempted to follow the universal protocol but they had a surgeon who was a bully. That surgeon said we don't have time for that I'm backed up all morning. We're going to go come on do it. One surgeon by the way was responsible for two wrong site surgeries. This problem is so prevalent joint commission still receives about eight reports a month of wrong site surgery and almost every time they investigate there's some kind of bullying involved. 35% of the American workers say they were bullied.

16% had health problems, 17% quit their jobs. Most bullies are men 62%. Women are often target 58% but female bullies target other women. Some call it Queen Bee syndrome.

In fact there's kind of a saying in nursing sometimes nurses eat their young.

I'll tell you when I started practice it wasn't just the nurses we had a ward clerk that you better watch out for and you better keep happy or she wasn't going to do anything for you.

73% of new nurses reported being bullied in the last month. 80% of medical errors can be linked to poor bad behavior and communication among health care providers,

80%. In other words you're not communicating or they're not communicating cordially. Joint commission now put in place in 2008 two standards.

A code of conduct that defines acceptable, disruptive and inappropriate behaviors.

They're saying every health care entity needs these and to create and implement a process for managing disruptive and inappropriate behaviors. Now in a lot of facilities a lot of places have these on paper but it's not enforced and it isn't trickling all the way down or maybe it's not even supported by management. Very interesting thing happened in Milwaukee. Many of the large health care systems decided that all of the nurses should take a pay cut, reduce their pension and reduce the benefits. This was as a part of a union negotiation because we do have some nurses in Milwaukee that are unionized. The vice president of human resources said to the nurses when they complained about the cuts, "If a nurse wants a good retirement they should marry wealth." At which point representatives from the union donned bridal gowns and went to Ed Howe's office. Eddie Howe was the CEO and asked Ed' to marry them because Ed' makes 3.6 million dollars a year. This hit all the news. Now think about it if you worked at that facility and that's the way the people at the top talk about the nurses. How likely is it in the trenches there's going to be bullying? It quickly got hush hush by the way because this made quite a splash. So let's talk about some of the common ethical violations nurses run into.

Substance abuse. I know that's one you folks all see. In the code of ethics it says nurses must be vigilant to protect the patient, the public and the profession from potential harm. When a colleague's practicing in any setting to be impaired.

That's me on the Phil Donohue show.

Shortly after I got out of college I went to work at the Paul Hospital Milwaukee and with a couple of other people we developed a program for substance abuse addicted nurses. We were on a local TV show and Phil Donohue saw this and invited us to come to Chicago to talk about the program.

Picked us up in a limousine. It was like really cool. Here's the only problem though especially some of my elderly aunts were kind appalled at the whole thing because they said it appeared by you being on it that you were a drug addict. So my aunt being particular was quite mortified with this whole thing but it was an interesting experience. Substance abuse is a big issue for nurses. Is this the way we're portrayed? This is from Nurse Jackie. If you never seen her show watch it because it really shows substance abuse in the extreme in what she does. Approximately 10% of nurses are dependent on drugs or alcohol.

Which by the way is the exact mirror of the population. Nurses are not addicted at a higher rate than the general population.

That is not however true of dentists and anesthesiologists they have much higher addiction rates. Almost 300,000 [inaudible 00:49:49] have some kind of substance abuse problem. Alcohol is the most frequently abused followed by amphetamines, opiates, sedatives and tranquilizers. Addiction is a risk for any nurse that's dealing with chronic pain. By the way that's the real new big drug of choice.

It's all the oxy and all the narcotic pain killers and I don't know how it is in your parts of the world but I can tell in the Midwest it's handed out like candy. Just like candy you can go to any doctor, say you have pain and you're going to get some oxy or something.

Nurse, doctors, health care professionals display what I call pharmacological optimism. What I mean by that is because they're nurses they think they can control it. They think they know what they're doing.

That addiction is something they can deal with. It won't happen to me because I understand how to use the drugs.

It's pharmacological optimism.

Practicing outside of competence or expertise, just as a point of interest and

I'm sure some of you had the same thing. In Wisconsin we have no continuing education requirements for nurses, there's none. My daughter the vet has to get 30 hours every two years. I don't have any.

She points this out to me by the way because she says I only know one species she has to know them all. The code of ethics that addresses this is nurse participating in advancement of the profession through contributions to practice, education, administration and knowledge development. Imagine some states have no continuing add.

A lot of nurses will join professional organizations though to promote and learn more about their specialty. Hospitals also offer continuing add. It's the nurse's responsibility to maintain competence and especially nurses earlier in their career may get involved in some things that they really aren't trained for because they don't want to say no or they want to please people, they don't want people mad at them.

Other issue boundaries with patient, staff, families.

When acting one's role as a professional, the nurse recognizes and maintains boundaries that establish appropriate limits to relationships. Common boundary issues are gifts. Do you accept a gift? Do you not accept a gift? Can accept a gift if it's nominal value? What are the rules on that?

Nurse self disclosure. I stopped going to one of my doctors because every time I went in the nurse would sit down and tell me her problems. I don't care about your problems. This is my time let me tell you what's bugging me. Nurse self disclosure.

What about attending events in patients lives is that okay? This used to be a no no but that's really changed and part of what changed that is the whole hospice movement. Because very often families want the care givers to come. They want the care givers a part of that.

Lending borrowing, accepting food and drinks. Personally I don't accept any food made in somebody else's kitchen, I don't think so. That's that nurse in me. But what if they come in with the food platter or a basket of fruit or whatever how do you address that? These are the things that nurses need to be clear on and what the hospital or the policy.

Touching people. So what do you do about all these? First of all you focus on culture. There's one hospital in the

Milwaukee area has almost no turnover of nurses at all you know why? They have a chief nurse executive that really advocates for the nurses. They have 7- 70 you work 7 days, 10 hour days and you're off the next week. People love it. People are waiting in line to wait with that organization and there's other organizations can't keep anybody. What's the difference? I think the difference is probably culture.

One company that has a great culture and security Acuity Insurance. I did some consulting for Acuity.

When I went there they had every cubicle had a toga [sp] hanging outside of the cubicle. I said,

"What are the togas for?" They said,

"It's Octoga fest," and they literally would walk around with togas on. It was the craziest environment. It wasn't always like that. Previously Acuity used to ring a bell when you could go to the bathroom.

They would ring a bell when your lunch hour was over. The new CEO came in, Ben

Salzmann, he got rid of the bell, he got rid of almost all the rules and all he does is track productivity.

Which is very easy using computers. He says you can come in when you want, you can leave when you want, you can eat when you want, and you certainly can go to the bathroom when you want. I'm just going to track how much work you do and guess what production went way up. People are doing their thing. There's some guys that come in at 3:00 in the morning they're out of there by 10:00. They go golfing the rest of the day. People love it.

Another one is Zappos. I interviewed the CEO of Zappos for my book. This was so funny because I shot out an email and I said I would like to interview Tony for this book I'm writing. Boo I got an email back within about less than a minute. Kind of like this, "Hi, I'm Elaine from Zappos- sphere. I'm here to handle your Zappos request and she goes on like in a vein they have their own language. She said of course I will immediately arrange an interview for you. Zappos is known for their customer service. If you've never gone on their site go on because you can get all sorts of designer stuff real cheap and they pay shipping in both ways very important.

Another one is Baird. Baird Financial has a very unique culture. I interviewed they had about Baird and pardon my French but they call it the no assholes culture. They ask people right when they interview you for a job, are you an a'hole? He tells me that you can almost tell by the person's reaction whether they are or not.

When in doubt what they CEO of Baird does is he takes everybody out to dinner because you can tell a lot about people about how they treat the waiter. Many CEOs refer to it as the waiter rule. In other words if somebody is rude to a waiter then how are they going to treat their employees. Anytime again you have that discrepancy in power or perceived status or prestige. You get an idea of how people really treat each other, very interesting culture. There's some good ones in that the medical field Baptist Memorial Center in Florida. Employees can get \$5,000 for down payment for a house, free parking, transportation, has a promote from within policy so people can grow a career there. They offer continuing education, files them online and 500 classroom classes.

Emory University Georgia tuition reimbursement up to 18 credits, discounts for all the fitness facilities in the area, discounts for child care and educational and elder care services.

Special incentives for returning employees allow former staff members to return. Some people refer to it the mummy truck with on and off ramps and I don't think enough has been done. When I had my first child I was working at DePaul Hospital and I went to the HR and I said I would like to come back part time after the baby is born and they said you can't.

Okay I went to another agency that's not hard but how many places are not accommodating and especially women but you know a lot of men want this now too. They want to be home with the new child too.

John Hopkins they offer flexible schedules and job training programs, financial incentives for health behavior, and they do outreach to the community. When nurses actually get into the community they feel like they're making a difference. So you need to focus on culture. Make a top priority. Productivity and money will follow and if you have a bully in the midst you have to have the organization's address it and deal with it across the board with expectation of behavior.

I think it's important that people model kindness and compassion and that they encourage and mentor other people. Many very successful organizations have a formal mentoring program. Where they bring in the new nurses and they mentor them and they coach them, they provide training.

There has to be strict policies on bullying and work civility. In other words you have to get rid of the energy suckers.

The people that bring down the organization and sometimes they might be just one that recruits followers and if you get that person out and if you change things the whole climate will change.

Questions, comments, concerns anybody? We do have complementary copies of my new book, I hope you enjoy it and I really appreciate it everybody's focus after cocktail hour unusual let me tell you.

Thank you so much for your attention tonight thank you.