



Healthcare Right of Conscience

Respect for conscientiously-held beliefs of individuals and for individual differences is an essential aspect of our free society. In the words of Thomas Jefferson: "No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority."

In healthcare the right of choice of moral refusal is foundational and applies to all participants, including patients and healthcare professionals. Healthcare by its nature cannot be morally neutral, as it is actively concerned with human health and need. Issues of conscience arise when a proposed medical or surgical intervention conflicts with the deeply-held personal beliefs and values of the patient or the healthcare professional. AAME believes that in such circumstances Rights of Conscience have priority.

The Patient's Right of Conscience:

- The right of patients with decisional capacity, on the basis of conscience, to refuse treatment, even when such refusal would likely bring harm to themselves, should be respected.
- The right of patients, on the basis of conscience, to refuse treatment, when such refusal would likely threaten the health and/or life of others, should be resisted and should become a matter of public interest and responsibility.
- The right of a healthcare surrogate, for example, the parent of a minor, on the basis of conscience, to refuse treatment, thereby threatening the health and/or life of another, should be resisted and should become a matter of public interest and responsibility.

The Healthcare Professional's Right of Conscience:

- Conscience lies at the heart of the healthcare professional's commitment to honesty, compassion, and ownership of responsibility to prevent harm and is inseparable from the moral integrity, hence the trustworthiness, of the healthcare professional.
- All healthcare professionals have the right to refuse to participate in situations or procedures that they believe to be morally wrong and/or harmful to the patient or others. In such circumstances, healthcare professionals have no moral obligation to refer to someone willing to perform the procedure, but they do have an obligation to ensure that the patient's records are transferred to the healthcare professional of the patient's choice.

The Healthcare Professional Trainee's Right of Conscience:

- If a trainee in the healthcare professions expresses an unwillingness to participate in an aspect of training or patient care as a matter of conscience, that stance should be explored in a non-judgmental manner to ensure that both parties fully understand the issue. The trainee's position on matters of conscience should be honored without academic or personal penalty.
- Educators and trainees should be allowed to refuse to participate in policies and procedures that they deem morally objectionable without threat of reprisal.
- Trainees should not be mandated to be present during practices or procedures, or view or images of behaviors, that they deem morally objectionable.
- No organization or governing body should mandate participation in policies or procedures that violate conscience.
- Healthcare professionals at all levels should seek to learn about and understand policies and procedures that they deem morally questionable as well as their colleagues' reasons for objecting for reasons of conscience.

The Healthcare Institution's Right of Conscience:

- Healthcare institutions have the right to refuse to provide services that are contrary to their foundational beliefs.
- Healthcare institutions have the obligation to disclose the services they would refuse to give.
- Healthcare institutions should not be penalized, fined or subjected to loss of public funding as a result of exercising their right of conscience.

AAME affirms that healthcare professionals' primary obligation in our society is to serve humanity. AAME believes that the healthcare professional's conscience should be informed by available evidence and the standards of one's community or tradition, and its conclusions reached according to the dictates of his or her own careful reasoning, reflection on personal experience, worldview, and spirituality.

AAME believes that preservation of the moral integrity of the healthcare professions, including respect for professionals' right of conscience, is in everyone's best interest.

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