

Hospitals as moral actors with institutional duties

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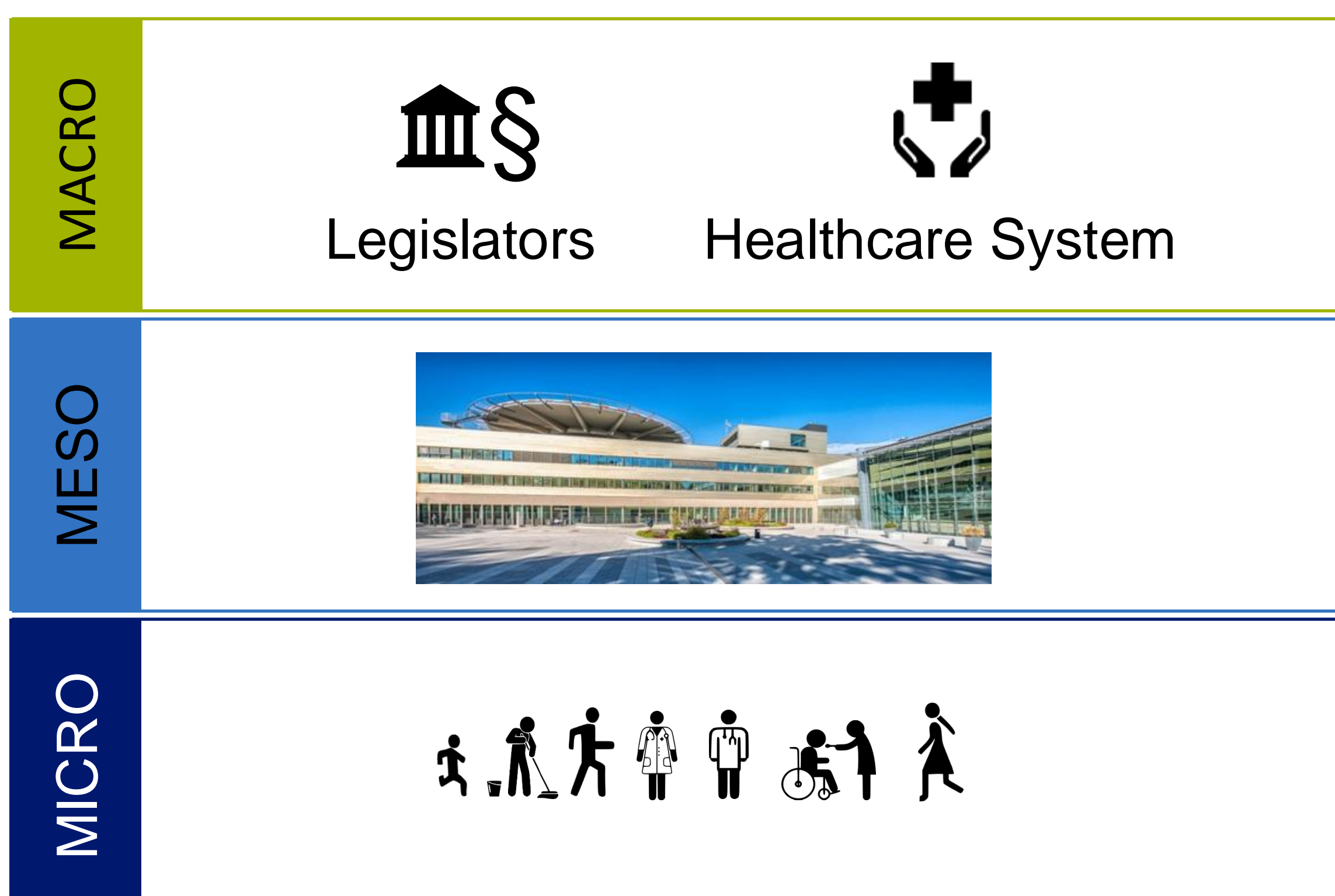
Definition of hospitals

Hospitals are facilities that "provide hospital treatment or obstetrics, [...] are under permanent medical supervision, have sufficient diagnostic and therapeutic facilities corresponding to their care mandate and work according to scientifically recognized methods".

(§107 German Social Security Code V)



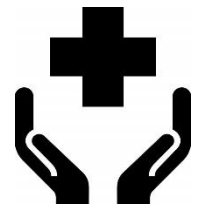

Positioning of Hospitals

Hospitals act on a meso-level between a macro level (legislation and the healthcare system) and the micro-level (individuals like patients, future patients and employee)



Relevant stakeholders

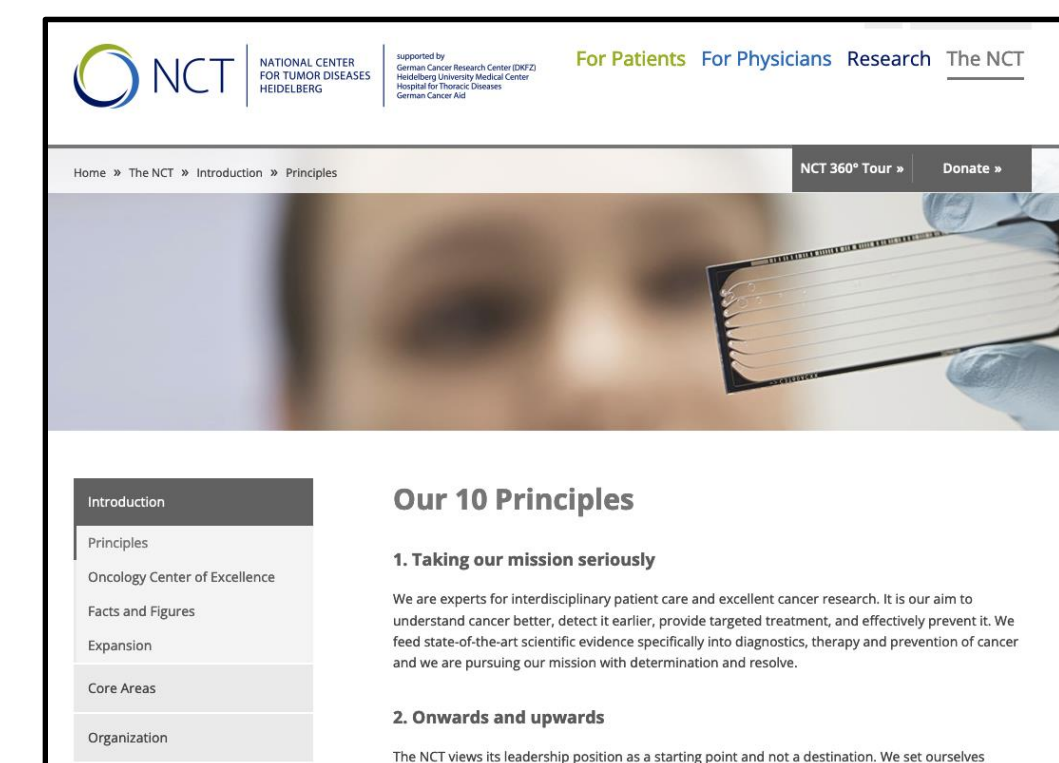
There are various stakeholders with regards to hospitals, the most important being

- patients 
- employees 
- healthcare system 
- Future patients / society as a whole 

Hospitals as moral actors

Hospitals are moral actors

- Hospitals are capable of planned action due to their internal decision-making structures.
- The goals and plans of the hospital can, for example, be set out in general terms in mission statements.



- Concrete actions are always carried out by individual employees, but they usually follow the goals, plans and interests of the hospital.

In this respect, we can speak of hospitals as moral actors who have duties towards their stakeholders

Some duties of hospitals

- (1) Provide patients with state-of-the-art treatment
- (2) Use scarce resources economically
- (3) Promote public health
- (4) Enable employees to work in accordance with their professional ethical standards

Practical example

In light of hospitals as moral actors with the above duties: How should employment contracts that incentivize department heads to achieve a certain number of operations be evaluated?

Such a contract would be in conflict with a hospital's duties:

- ⚡ Potential overtreatment, not state-of-the-art treatment (cf. 1)
- ⚡ Potential waste of resources (cf. 2)
- ⚡ Conflict with physicians' professional ethics (cf. 4)



Such a contract would violate hospitals' duties

Literature and further information

- Jungkunz M, Winkler EC, Schickhardt C (in press) Haben Krankenhäuser die Pflicht, die sekundäre Forschungsnutzung von Behandlungsdaten zu unterstützen? Ethik in der Medizin
- Jungkunz M, Königeter A, Spitz M, et al. (2022) Stellungnahme zur Etablierung der sekundären Forschungsnutzung von Behandlungsdaten in Deutschland. Ergebnisse des Verbundprojekts LinCDat: „Learning from Clinical Data. Ethical, Social and Legal Aspects“. Forum Marsilius Kolleg;21:1-123.
- Further information: <https://www.nct-heidelberg.de/forschung/nct-core-services/translational-medical-ethics/completed-projects/lincdat.html>



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supported by
 German Cancer Research Center (DKFZ)
 Heidelberg University Medical Center
 Hospital for Thoracic Diseases
 German Cancer Aid