

Ethical issues

- Does urine drug monitoring harm patient? (MALEFICENCE)
 - Stigmatizing patients
 - Harming doctor patient relationship
 - Booting pts from practice
 - Violating privacy (see legal also)
 - Patient perceiving threat or injustice
- Does it help patients (BENEFICENCE)
 - Early detection of a complication (abuse/addiction), detection of metabolic abnormalities, helping patients with comorbid addiction manage their behavior, etc.
- Does it harm the doctor?
 - Force him/her to do someone else's job (cop)
 - Causes doctor to feel/acknowledge inadequacies, sense of dread
 - Legal implications of acting inappropriately in face of test results
- Does it rob patient AUTONOMY?
- Do our words create ethical problems?
 - E.g. therapeutic drug monitoring vs. urine drug testing
- Distinguish ethical problems caused by test vs. ethical problems caused by physician action related to test
- Ethical implications of NOT testing (pt harmed by inadequate monitoring) or testing haphazardly
- Availability of support in handling the result may influence ethical dimensions
- Ethical implications of failing to universalize urine drug monitoring
- Disingenuous justification of urine monitoring – not explaining why the test is done
- Ethical dimension of treating pain (e.g. as a specialist) without addiction training
- JUSTICE – are patients treated equally? Fairly? Do we increase or reduce disparities? Do we create injustices by using the test unfairly?

Ethical Solutions

- Ethics begins with a collaborative approach between doctor and patient urine or not
- Pain treaters need to understand that the role of urine is not perceived forensic use but patient welfare approach of addiction community
- Ethical use of urine drug tests requires physician training and competence – need to characterize and overcome training gap
- Treating all medications that bear risks in a similar way (pt education materials, questionnaires, etc) reduces stigma
- Method of applying test in practice may influence stigmatization positively or negatively
- Need to consider language: therapeutic monitoring, safety monitoring, urine monitoring, drug testing, etc. Avoid narcotic, testing. Compliance rather than adherence.
- Present monitoring as part of safe and effective pain treatment

Legal Issues

- Does information in medical record bearing on substance abuse need to be filed/handled separately
- Malpractice
- Patients' rights issues, e.g. to dispute therapeutic decisions (ethical issue as well)
- Patient abandonment (ethical as well)
 - Issue is process not content/judgment
- HIPAA rules – drug monitoring can be disclosed without violating HIPAA (needs work)
- Life and/or health insurance may be refused with evidence of drug abuse in medical record – however like any other disease tests need to be documented.
- Legal implications to physician/hospital of discontinuing either patient or opioid therapy
- Failure to interpret and act on urine test appropriately (malpractice)
- Failure to disclose risks of testing

Addressing Legal Issues

- Work with insurance company around abandonment and similar issues
- Develop policies on sharing of records consistent with HIPAA and other applicable laws
- Implement appropriate procedures for tapering opioid therapy and for separating from patients (exit strategies entrance strategies)
- Develop competency in interpreting urine drug tests

Economic Issues

- Reimbursement for urine and other tests
- Physician economic incentives for doing or not doing tests

Additional Issues

- Physician psychological barriers
 - Discomfort with confrontation – may depend on framing of situation
 - Discomfort with universal precautions in setting of perceived low risk
 - Low self-efficacy in managing abuse and addiction – worsened with testing?
 - Fear of personal harm with specific patients
- Fear of losing patients
- Office staff barriers
- Physicians view of drug use in general or his/her own drug use
- Prejudices with respect to judging risk
- Relevance of universal precautions on stigmatization and implementation of urine testing
- Influence of attitudes to medical THC, recreational marijuana, THC on testing