

DR MARÍA TORMO, ASISA'S DIRECTOR OF PLANNING AND DEVELOPMENT, AND PRESIDENT OF ITS BIOETHICS COMMITTEE

The ASISA bioethics committee, a service for Lavinia and ASISA professionals

| Elvira Palencia



Dr María Tormo, President of the Bioethics Committee

Lavinia-ASISA is the only health insurance company to have in place such a pioneering and unique committee to provide advice on the ethical and legal aspects of clinical healthcare practice. To mark the end of its first year, we invited the President of the ASISA Bioethics Committee to give us an account of how things have gone.

How was the Bioethics and Healthcare Law Committee set up?

The Bioethics Committee is not just for ASISA, but ASISA-Lavinia. I would like to make that point because it was set up in response to a question raised by a representative of the Guipuzcoa Regional Office at the Lavinia General Assembly in 2007, requesting that such a committee be founded. The proposal was then examined, and the cooperative's General Assembly committed itself to the initiative.

Who does it serve? Who does it advise?

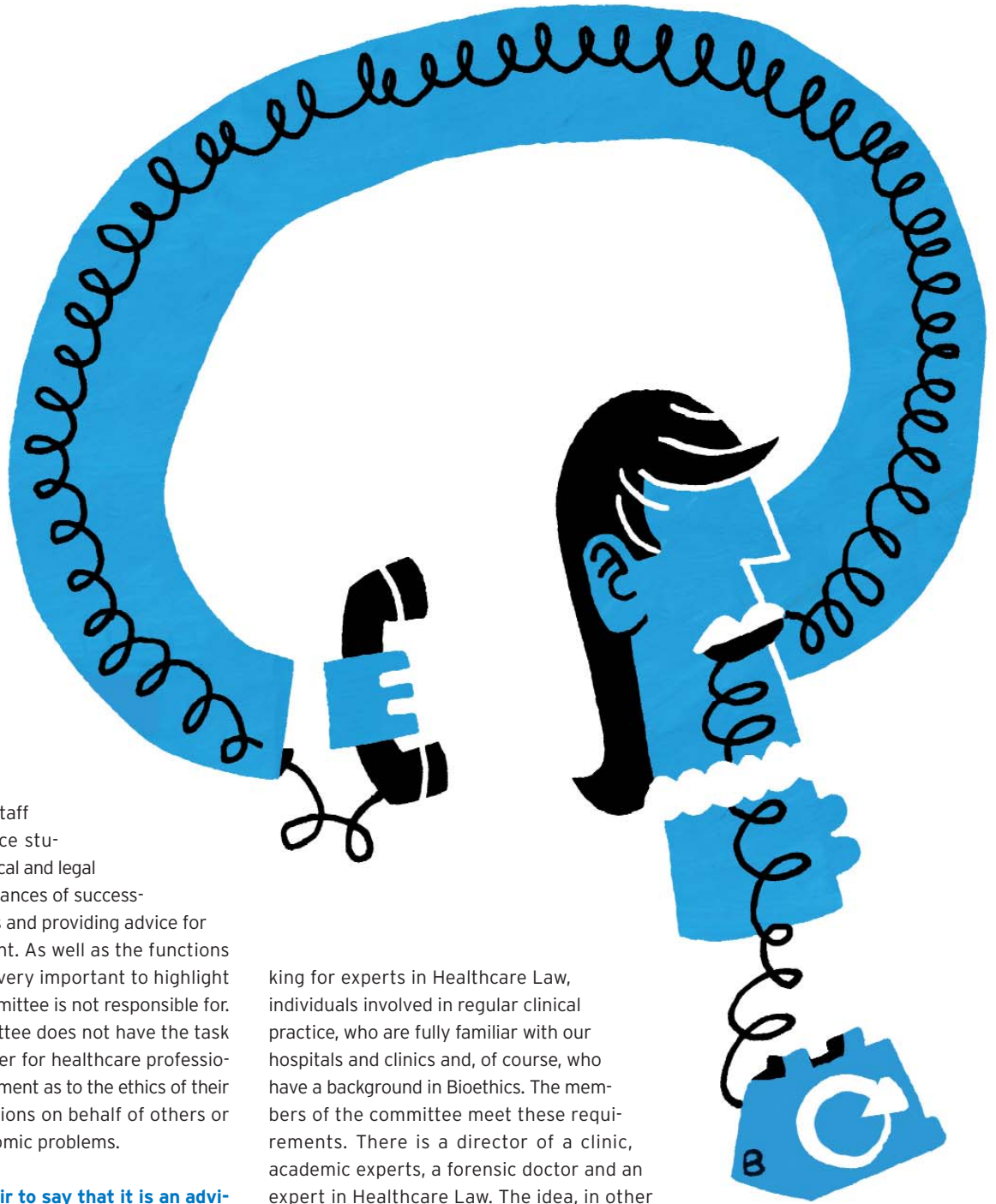
The committee is first of all a consultancy service for Lavinia doctors, in other words the cooperative members. But also the doctors and other healthcare staff who belong to our organisation's medical lists, along with all professionals working at the group's clinics and healthcare centres. Although it was born out of the cooperative dynamic, it applies to all professionals involved with our insurance body.

And why Bioethics and Healthcare Law?

This was an issue we debated within the committee. We wanted to make it a particularly practical consultancy body, genuinely dealing with the issues which concern professionals in their practice, their daily work. The committee does not, then, deal only with strictly ethical aspects, but also deals with possible problems or issues which could arise within the field of Healthcare Law. In other words, Bioethics must provide a response within the existing legal framework. We wanted to make it a useful tool in daily operations.

What are its main functions?

The Bioethics Committee was set up in July last year and held its first real working meeting in September. This involved approval of the Committee Regulations, which clearly define its functions as: providing advice for healthcare professionals, ASISA healthcare institution managers and Health Science students at those institutions in any ethical and legal conflicts which may arise in healthcare; analysing and proposing, where relevant, possible options or solutions to resolve the ethical and legal conflicts raised; proposing internal operational protocols for situations which, because of their particular frequency or gravity, generate ethical and legal conflicts in the operational area; promoting training and reflection that focus on Bioethics and Healthcare Law for ASISA's medi-



cal and non-medical staff and its Health Science students; evaluating medical and legal risk, optimising the chances of successful defence in lawsuits and providing advice for technical management. As well as the functions mentioned, it is also very important to highlight what a Bioethics Committee is not responsible for. The Bioethics Committee does not have the task of providing legal cover for healthcare professionals, issuing any judgement as to the ethics of their conduct, taking decisions on behalf of others or analysing socio-economic problems.

And so it would be fair to say that it is an advisory committee?

Exactly. Although advice is always helpful, advising does not mean assuming the responsibility of each individual professional in performing his or her work. Nor is the committee responsible, in the event of a lawsuit, for providing staff with legal consultancy.

How have the members of the committee been chosen?

All Bioethics Committees must include individuals from different disciplines, thereby enriching the work and the debates which the committee conducts. They must always be multi-disciplinary. When we select different individuals, we are loo-

king for experts in Healthcare Law, individuals involved in regular clinical practice, who are fully familiar with our hospitals and clinics and, of course, who have a background in Bioethics. The members of the committee meet these requirements. There is a director of a clinic, academic experts, a forensic doctor and an expert in Healthcare Law. The idea, in other words, is for a group of people with a range of multi-disciplinary training to enrich the debate from their different perspectives. The ASISA Bioethics Committee is made up of three experts in Bioethics and Healthcare Law, Professor Fernando Bandrés, Director of the Tejerina Foundation Advanced Study Institute and Tenured Professor of Legal Medicine at Madrid's Complutense University; Benjamín Herreros, lecturer in Medical Humanities at the European University of Madrid and an internal doctor, and Santiago Delgado, Director of the Abascal Legal Medicine Unit and Director of the Master's in Healthcare Law at the European University of Madrid. ASISA is represented on the committee by Dr Carlos Zarco, Medi-



cal Director of the Moncloa Hospital; Mariano Caballero, ASISA's Director of Legal Consultancy, and myself.

How does the committee operate?

As I mentioned earlier in response to another question, the regulations that govern the committee were agreed in September 2008. These deal with

The ASISA-Lavinia Bioethics Committee was set up following the Lavinia General Assembly in 2007, and advises healthcare professionals and managers at the body's institutions

many issues such as how often meetings are to be held, on both an ordinary and extraordinary basis. We wanted the committee to be able to provide a rapid response to any requests made by professionals and institutions, and so every possible channel for contact has been put in place, by phone, by mail, by e-mail, by fax, etc., all these methods are approved in the regulations. As well as its ordinary and extraordinary meetings, the committee also has a sub-committee, specifically intended to

provide a more flexible response to any questions which may be raised. This sub-committee is made up of three members of the committee, currently Benjamín Herreros, Carlos Zarco and myself.

Could you explain how the committee can be contacted?

Queries can be made by telephone on 915 957 638 and 915 957 718, from 9 a.m. to 6 p.m., Monday to Thursday, and on Friday up until 3 p.m. Or they can be sent by fax to the number 91 595 7622 or to the Bioethics Committee's own e-mail address: comite-bioetica@asisa.es. One further option is to write to the following address: ASISA, Bioethics and Healthcare Law Committee, Juan Ignacio Luca de Tena, 10, 28027 Madrid. Queries can also be made via the ASISA Professional Portal, to be found at the web address www.asisa.es/professional/index.html.

What type of activities is the committee involved in?

We held two open days to present the Bioethics Committee during its first year of operations, the first on 20 November 2008 at Moncloa Hospital, and the second on 29 April 2009 at the Vista-hermosa Clinic in Alicante. On both occasions our committee was very well received, in particular by

the professional staff. At the first event, held at Moncloa Hospital, we handed out a questionnaire to all the staff at the centre to find out what problems they had faced over the course of their professional careers which could be covered by the field of Bioethics and Healthcare Law. This same questionnaire was later sent to all ASISA Group clinics, allowing the committee to focus its work on those issues identified as being of greatest concern to our professional members. In relation to what I said earlier, we are dedicated to being a consultancy and service committee, that is truly valued by our professionals because we make some small contribution to resolving their regular problems in this specific field of Bioethics.

Have those problems now been identified?

Yes, we have the responses to the questionnaires, and the first issue we have identified is that of informed consent, an area we have now begun to address.

Could you give us an assessment of the first year?

I think that when you set up a committee of this type, what you really want is for the people for whom it is intended to find it useful. And how can those aspects be assessed so far? Essentially in the responses to the questionnaires we have sent out and the attendance at the open days we have held. New events have been scheduled for the last quarter of 2009 at the Santa Isabel Clinic in Seville, the Virgen de La Vega Clinic in Murcia and the Montpellier Clinic in Zaragoza. And so I feel that it is seen as something useful, and we have also been particularly pleased with the recognition we have received from outside, such as the award from the *Diario Médico* for being one of "the best initiatives of 2008".

Are staff keen to ask questions?

We have already received a numerous of questions. Access to the committee via the ASISA Professional Portal has been in place since February, and we are receiving an increasing number of visits. The Professional Portal provides links to

The Committee provides advice on ethical and legal conflicts, proposing alternatives, drawing up operational protocols and training professional staff

presentations, articles on Bioethics, important regulations in the field of Bioethics and Healthcare Law, judgements which illustrate how certain conflicts have been settled, etc. And so, yes, I do feel that we have opened up a fluid channel of communication with our professional staff.

Lastly, are healthcare professionals really interested in Bioethics? Is it one of their regular concerns?

It is probably not their main concern, but I do believe that we are all very much aware that in our regular clinical practice situations arise which cannot be resolved purely through medical knowledge and common sense. A knowledge of Bioethics is increasingly important, so much so that a great many medical faculties are now considering including Bioethics as a degree module, and some have already done so, given that it is a discipline which plays a role in many decisions, a situation which can only increase future.



Dr Tormo is admitted into the Royal Academy of Medicine and Surgery of Murcia