Ethics in the modern world

Andrew Parrish, LMFT
Agenda

• Introductions
• Understanding Ethics
• Ethics and the Law
• The digital world and ethics
• Defining Qualitative Differences in relationships
• Ethical codes/violations
• Ethics review
Introductions

• Name
• Current workplace
• Position
• Reason why you are working in this field
• Interesting fact about yourself
Key aspects of ethics

• Hippocratic Oath
• HIPAA and Confidentiality
• Dual relationships
• Impacts of beliefs, morals and values
• Boundaries
• Empowerment
• Documentation
Hippocratic Oath

• I swear by Apollo the physician, and Aesculapius the surgeon, likewise Hygeia and Panacea, and call all the gods and goddesses to witness, that I will observe and keep this underwritten oath, to the utmost of my power and judgment.

• I will reverence my master who taught me the art. Equally with my parents, will I allow him things necessary for his support, and will consider his sons as brothers. I will teach them my art without reward or agreement; and I will impart all my acquirement, instructions, and whatever I know, to my master's children, as to my own; and likewise to all my pupils, who shall bind and tie themselves by a professional oath, but to none else.
Hippocratic Oath

• With regard to healing the sick, I will devise and order for them the best diet, according to my judgment and means; and I will take care that they suffer no hurt or damage.

• Nor shall any man's entreaty prevail upon me to administer poison to anyone; neither will I counsel any man to do so. Moreover, I will give no sort of medicine to any pregnant woman, with a view to destroy the child. Further, I will comport myself and use my knowledge in a godly manner.

• I will not cut for the stone, but will commit that affair entirely to the surgeons.

• Whatsoever house I may enter, my visit shall be for the convenience and advantage of the patient; and I will willingly refrain from doing any injury or wrong from falsehood, and (in an especial manner) from acts of an amorous nature, whatever may be the rank of those who it may be my duty to cure, whether mistress or servant, bond or free.
Hippocratic Oath

• Whatever, in the course of my practice, I may see or hear (even when not invited), whatever I may happen to obtain knowledge of, if it be not proper to repeat it, I will keep sacred and secret within my own breast.

• If I faithfully observe this oath, may I thrive and prosper in my fortune and profession, and live in the estimation of posterity; or on breach thereof, may the reverse be my fate!

Hippocratic Oath (modernized)

• I swear to fulfill, to the best of my ability and judgment, this covenant:

• I will respect the hard-won scientific gains of those physicians in whose steps I walk, and gladly share such knowledge as is mine with those who are to follow.

• I will apply, for the benefit of the sick, all measures which are required, avoiding those twin traps of overtreatment and therapeutic nihilism.

• I will remember that there is art to medicine as well as science, and that warmth, sympathy, and understanding may outweigh the surgeon's knife or the chemist's drug.

• I will not be ashamed to say "I know not," nor will I fail to call in my colleagues when the skills of another are needed for a patient's recovery.

• I will respect the privacy of my patients, for their problems are not disclosed to me that the world may know. Most especially must I tread with care in matters of life and death. If it is given me to save a life, all thanks. But it may also be within my power to take a life; this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play at God.
Hippocratic Oath (modernized)

- I will remember that I do not treat a fever chart, a cancerous growth, but a sick human being, whose illness may affect the person's family and economic stability. My responsibility includes these related problems, if I am to care adequately for the sick.
- I will prevent disease whenever I can, for prevention is preferable to cure.
- I will remember that I remain a member of society, with special obligations to all my fellow human beings, those sound of mind and body as well as the infirm.
- If I do not violate this oath, may I enjoy life and art, respected while I live and remembered with affection thereafter. May I always act so as to preserve the finest traditions of my calling and may I long experience the joy of healing those who seek my help.

- Written in 1964 by Louis Lasagna, Academic Dean of the School of Medicine at Tufts University, retrieved from wikipedia.org on 6/2015
Defining principles

• Do no harm
• Not exceeding education/skills
• Respecting Confidentiality
• Caring for the person
• Seeking prevention over treatment
• Complying with legal standards
HIPAA

• Health Information and Portability Accountability Act (1996)
  – Defines PHI
  – Delineates expected disclosures
  – Outlines sanctions for breaches
  – Has had more specifications addressed to include electronic data/data sharing
  – Has been impacted by the Affordable Care Act
Confidentiality and more

- Protecting Privacy
- Limits of Confidentiality
- Informed consent
Impacts of beliefs, morals and values

• As human beings, we all have closely held beliefs that shape our morals and values
  – Defining Beliefs
  – Defining Morals
  – Defining Values

• Understanding personal beliefs, morals and values assist with identifying bias
Dual Relationships

• Defining a dual relationship
  – Includes distant connection
  – Includes close relational ties
  – Includes family members

• What are some of the risks connected to dual relationships?

• What are some of the common dual relationships that occur?
Boundaries

• **Boundaries = Expectations**
  – Outlining treatment
  – Complying with outlined measures
• Treatment provider to client
• Client to treatment provider
Empowerment

• Important aspect of recovery
• Recognizing the individuality of the client
• Can involve a system, not just the individual
• Has holistic principles
Documentation

• Notes need to be clear and free of personal opinion
• Use of good grammar
• Avoid ambiguity
• Assume a note may be reviewed by the client
• Assume a note may be reviewed in court
Ethics and the Law

• Laws supersede ethics in situations in which ethics and law do not align

• Ethical codes with higher standards will supersede the law and other ethical standards
The digital world and ethics

• Information is both more and less at risk

• Encryption between agencies is key

• Information sharing increases vulnerability
Personal vs Professional Ethics

**Professional**
- Expectations of organization
- Expectations of job
- Complying with the law
- Relationships with clients are reserved

**Personal**
- Expectations of self
- Past experiences
- Beliefs, morals, values
- Relationships with others are closer
Qualitative Differences

• Defining relationship roles with others:
  – Family member
  – Friend
  – Acquaintance
  – Stranger
Qualitative Differences

• Working relationships:
  – Peers
  – Clerical staff
  – Providers
  – Experts

• Important to consider relational interactions
  – Client to service provider
  – Service provider to service provider
Ethical codes

- Codes in NM for Social Workers, Counselors, etc.
- Codes in United States for all providers
- Ethical expectations from licensing organizations
Making ethical decisions

• Identify the issue by the law/codes
• Identify the actual client
• Identify roles and relationships of all involved
• Resolving conflicts between ethics and the law
  – Most infractions come from choosing personal ethics over professional ethics or the law
Ethical Violations

- Dual Relationships
  - Exploitative Relationships
  - Inappropriate Sexual Conduct
- Impairment
- Records violations
  - Failure to retain
  - Failure to release
Exploitation

• Exploitation can only occur when:
  – There is a power differential
  – There is a presence of trust inequality
  – There is willful intent/knowledge

• Marxist theory
  – “The person with the least interest in the relationship has the most power.”
Inappropriate behavior

• Tends to be sexual in nature

• Consider how this happens

• Why would the client respond positively?
Impairment

- Provider is under the influence
- Provider is not coherent and impacted by medical conditions
- Provider is not demonstrating expected behaviors
Failure to Retain/Failure to release

• Records expected to be retained by the state for six years from the last date of service
• Records are to be released in certain ways based upon:
  – Age
  – Requests
  – Information limits
Ethical Vignettes

• Break into groups of five to review problems and review ethical codes

• Remember:
  – Identify the issue
  – Identify the client
  – Identify roles/relationships
  – Resolving conflicts between ethics and law