Ethical Considerations and the Impact on Practitioners

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Training Objectives

• Summarize the history of ethical considerations in human service practice

• Interpret a variety of ethical principles utilized by professions

• Analyze and assess difficulties associated with maintaining the highest ethical standards in practice

• Develop policies in program that demonstrate services are ethics focused

• Identification of ethical dilemmas faced by practitioners
Why Do We Take Ethics

- Required 😊
- Understanding Black, White and Shades of Gray
- Risks
- Quality
- Support
Ethical Guidelines
A Historical Perspective

• Tarasoff v. Regents of the University of CA
  - 1967
  - Summary
  - Implication: Duty to Warn

• Summary
  Poddar was dating Tatiana Tarasoff and believed that she was in love with him. However, she stopped seeing him. Poddar seemed distraught and depressed. Tarasoff left for South America and Poddar sought counseling. During sessions, he identified plan to kill Tarasoff. Tarasoff was never made aware of his plan, and months later Poddar killed Tarasoff.

• Bellah v. Greenson  1977
• Garner v. Stone  2000
Ethical Interpretations

• A review of lawsuits that present ethical considerations:
  - Treatment without consent
  - Professional malpractice
  - Failure to report suspected abuse or neglect
  - Reporting suspected abuse or neglect
  - Failure to consult or refer to other professionals or specialists
  - Failure to prevent a client’s suicide
  - Causing a client’s suicide
  - Failure to protect third parties
  - Inappropriate release of a client
  - False imprisonment
  - Failure to provide adequate care for a client in residential settings
Ethical Interpretations (continued)

A review of lawsuits that present ethical considerations:
- Assault or battery
- Intentional infliction of emotional distress
- Sexual involvement with a client
- Breach of confidentiality
- Breach of contract
- Invasion of privacy
- Defamation of character
- Violation of client’s civil rights
- Failure to be available when needed
- Inappropriate termination of treatment
Ethical Interpretations (continued)

• A review of lawsuits that present ethical considerations:
  - Malicious prosecution or abuse of process
  - Inappropriate bill collection methods
  - Statutory violations
  - Inadequately protecting a child
  - Violating parental rights
  - Inadequate foster care services
Most Common Ethical Violations

- Boundary Issues
- Sexual Boundary Violations
- Mandatory Reporting
- Practicing on Expired License
- Professional Disclosure
- Misrepresentation of Credentials
- Fraudulent/Inappropriate Billing
- Fraudulent Documentation
- Impaired Professional
- Failure to Release Records
Ethical Guidelines
Setting Practice Standards

• Provides structure and guidance to professionals
• Enhances professionalism of the field
• Contributes to professional responsibility
• Identifies core values of helping professions
• Enhances accountability
Ethical Guidelines
Common Threads

• Confidentiality
  - Consents
  - Duty to warn
  - Legal cases
  - Harm to self or others
  - Informing clients of limits to confidentiality

• Competency
  - Represent training/honestly seek additional qualifications training or research for areas needing improvement.
  - May need to refer
Ethical Guidelines
Common Threads

• **Conflicts of Interest**
  - Cannot use professional relationship for any personal advancement
  - Cannot have dual or mutual client relationships
  - Boundary Issues

• **Duty to Report Ethical Violations**
  - Allow discussion with colleague and supervisor
  - Legal responsibility when appropriate
Ethical Guidelines
Common Threads

• **Limited Client Relationship**
  - No sexual relationships
  - Not appropriate to have a relationship outside of services provided
  - Acknowledgement in public is not appropriate

• **Termination of Services**
  - End services when no longer needed
  - Make appropriate referrals when withdrawing services
  - Clients should be notified with ample time
Ethical Guidelines
Legal Obligations of Helping Professionals

- Duty of Care
- Duty to Respect Privacy
- Duty to Maintain Confidentiality
- Duty to Inform
- Duty to Report
- Duty to Warn
Ethical Guidelines
Releasing of Records

• Issues to Consider
  - Does releasing information serve a specific, legitimate purpose?
  - Is the release the best way to achieve that purpose?
  - When in doubt, a subpoena will be issued and a judge can specify exact information needed.
Ethical Decision Making

• Lowenberg and Dolgoff’s Ethical Principles

  - Develop to assist professionals in deciding which ethical principles take precedence where ethical obligations conflict.
Lowenberg and Dolgoff’s Ethical Principles

• Ethical Principle 1: Principle of the Protection of Life
  - The protection of human life is the primary obligation.

• Ethical Principle 2: Principle of Equality and Inequality
  - “Persons of equal status or power have the right to be treated equally whereas those of unequal status or power have the right to be treated differently if the inequality is relevant to the issue in question.”
  - Ex: Social worker cannot engage in a sexual relationship with a client.
Lowenberg and Dolgoff’s Ethical Principles

• **Ethical Principle 3: Principle of Autonomy and Freedom**
  - Client self-determination
  - Foster clients autonomy and independence

• **Ethical Principle 4: Principle of Least Harm**
  - Choose the option that causes the least harm or restriction.

• **Ethical Principle 5: Principle of Quality of Life**
  - Assist client in choosing options that enhance their well-being as well as that of the community.
Lowenberg and Dolgoff’s Ethical Principles

**Ethical Principle 6: Principle of Privacy and Confidentiality**

- Respect confidentiality and privacy.

**Ethical Principle 7: Principle of Truthfulness and Full Disclosure**

- Be honest with clients and disclose all relevant information.
Personal Beliefs and Values

• Impact on Clients

  - Abortion

  - Homeless

  - Medication

  - End of Life Decisions
Moral Principles

- Autonomy
- Veracity
- Nonmaleficence
- Benevolence
- Justice
- Fidelity
Ethical Decision Making Model

- Identify the Problem
- Apply a Code of Ethics
- Determine the Nature and Dimensions of dilemma
- Generate Potential Course of Action
- Consider Consequences of All Options
- Choose a Course of Action
- Evaluate the Selected Course
- Implement
Implementing Ethics

- Professional courage
- Duty to allow employees to have access to supervisors and compliance officers.
- Recognizing ethical dilemmas faced by co-workers.
- Creating a safe environment for people to recognize and confront ethical dilemmas.
- Incorporating these concepts into training.
Handling Ethical Disagreement

• **Determining the Most Appropriate Decision**

  - Example of treatment disagreement.
  
  - Where do you turn to determine the best choice?
Closing

• Open Discussion

• Questions
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