

Tools for Creating an Ethical Practice

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Abstract

Ethics is a subject that attracts considerable interest. Practitioners may be required to have regular continuing education in the subject or may confront issues that raise questions about appropriate courses of action. By its very nature, ethics is not a clear-cut, black-and-white matter, and practitioners can have disagreements about situations. This article examines some of the principles involved in ethics and ethical decision-making. Resources and tools that are readily available to life care planners to provide a foundation and guide for ethical decision-making also are described.

Introduction

Life care planners know that having an ethical practice is important. Professional Codes of Ethics or Codes of Performance are available for all the professions who practice in the field of life care planning. Rehabilitation counselors, nurses, physicians, therapists, and others all have ethics codes that are written for practitioners in those fields. Many professionals are required to regularly participate in ethics continuing education to maintain licensure or certification (American Bar Association, 2006; American Medical Association, 2005; Case Management Society of America, 1996; Commission on Rehabilitation Counselor Certification, 2006; Wild Iris Medical Education, 2006). Yet, there are many situations in life care planning practice that may present the potential for ethics violations, and life care planners may choose different courses of action. Codes of Ethics and Codes of Performance provide broad guidelines, but do not (and cannot) identify specific ethical hazards or the correct answers for getting through those hazards. Life care planners need to know the tools available for identifying ethical problems and how to solve them.

Defining Ethics

One characteristic of the field of ethics is that there is no clear universal definition. Nor is there a clear answer for how to solve ethical problems. Indeed, a review of ethics literature reveals many ways of viewing ethics, and some of these ways are mutually exclusive

(Robinson & Garratt, 1996; Thompson, 2003). Some argue that ethics is absolute while others argue that ethics is relative. Ethics can be determined by a sense of duty toward others or toward a focus on oneself. Extensive study of ethics can lead to the conclusion that support of any point of view and any action can be sanctioned or condemned based on the chosen ethical philosophy. So the field of ethics raises many views and choices, but provides no clear or absolute answers. Yet, we keep struggling and searching for the elusive guides to help navigate day-to-day practice.

Life care planners can use, though, the concepts found in studying ethics to develop a framework for personal practice or to guide the community of life care planners. Reviewing the many definitions of ethics, this author identified common themes that include values, moral choices, a system of beliefs, praiseworthy traits, and the concepts of right and wrong. Examining our individual and collective beliefs about these concepts is a step in developing our ethical framework for practice. The next step is to operationalize this framework.

Turning Ethics into Practice

It is commonly known that life care planners want to practice ethically. By establishing a community of life care planning through education, credentials, and shared development of the field, we, as life care planners, are demonstrating that we wish to place the collective welfare and good above our individual beliefs and that we want to be able to turn to this community to help us solve dilemmas. We are thus choosing an ethical position that we are willing to live with certain rules to benefit our community, which in turn benefits the individuals and allows some freedoms. This is in contrast to a different decision-making model whereby life care planners could choose to act without regard to what other life care planners or others outside our community think and believe. There may, in fact, be some life care planners who have chosen to act in this manner and are invisible to those life care planners who act within the community. Those individuals who use and refer to life care planning services demonstrate acceptance of the community by seeking life care planners with certain education, credentials, and ability to follow rules (such as testimony requirements). This further drives the growth and development of the community approach. Additional ways that life care planners form and develop the community is by:

- establishing education for entry into the field
- creating credentialing processes
- forming professional associations
- participating in forums to discuss issues
- conducting research on methods and outcomes
- presenting at local, state, national, and international conferences
- publishing materials such as texts, chapters, monographs, and the *Journal of Life Care Planning*.

All of these tools are part of the framework that we are building that becomes part of our ethical foundation.

Ethics Principles

There are many ethical principles that can be described and help to provide further framework for decisions and behavior. Reviewing some basic principles and keeping them in mind provides more practical tools for dealing with ethical situations. The following are some basic ethics principles:

- Truth or veracity means acting honestly.
- Responsibility means meeting obligations and expectations.
- Respect is showing tolerance, sensitivity, and value toward others.
- Autonomy means allowing others to make individual [and informed] decisions.
- Beneficence is doing “good” to others.
- Nonmalificence is doing “no harm” to others.
- Justice refers to the idea of fairness and giving equal treatment to others.
- Fidelity means keeping promises, being loyal, and being honest (CMSA, 1996).

Evaluating situations and decisions by asking ourselves whether we are meeting each of the above principles provides a valuable guide.

Another tool for ethical practice for life care planners are the Standards of Practice. The Standards were developed, reviewed, and accepted by members of the life care planning community. They define the qualifications, knowledge, and behaviors that the life care planner should follow. Deviation from these Standards is considered a breach of conduct and a potential ethical issue (International Academy of Life Care Planners, 2006). Certifications and peer review processes are ways of demonstrating personal acceptance and adherence to practice standards, as the requirements for certifications and peer review generally are in alignment with the Standards. (Editor’s Note: See the current Standards of Practice for Life Care Planners, as revised, beginning on page 123 of this issue of the Journal.)

Still, all these tools are only general guides or requirements, and in many ways are subject to individual interpretations and beliefs. Even though life care planners try to act within the community system, there are disagreements on some issues. For example, trying to apply the principle of justice (fairness) when there are many people involved in a case can create conflicts if not all people can be treated equally. Some life care planners will make choices in prioritizing the desires of referral sources, injured parties, and protecting business interests. The various interpretation of fairness can lead to different decisions and methods are available for helping life care planners think through an ethics issue and weigh the decision to be made.

Getting Guidance for Ethical Problems

Life care planners have a variety of ways to get help in solving ethics problems. One way is to examine a series of questions that the life care planner can use privately. A second way is to access other life care planners formally or informally. The third way is to use established review resources. Each can be a valuable choice.

The first step with any choice is to engage in a problem solving process. Make sure that all relevant information has been gathered. Identify personal biases that may make the life

care planner want to lead to a particular solution. Identify what other points of view could exist and the strengths of those other views. Analyze the issue in light of the principles of ethics. Identify possible solutions and consider the pros and cons of each. Writing all of this down may help make the situation clearer and the best solution more obvious.

There are many self-examination questions that are useful in reviewing a situation. Often, thinking about the answers to these questions makes the answer seem more obvious. Some simple ethics test questions can be:

- Do I mind others knowing what I have decided or done?
- Am I comfortable explaining the decision or action to close friends and family?
- Am I proud of my behavior?
- How does my decision measure up to the ethical principles?
- Who does my decision benefit or hurt?
- How big or small are the benefits or hurts to others?
- Will others who are affected think my decision is fair?
- Which decision, in light of the above questions, is least problematic?

Consultation with other life care planners can help us consider issues from another point of view and provide alternate ways to see a situation and solutions. Informally, life care planners can look to colleagues to discuss issues. Telephone discussions or meeting for coffee may provide a way to discuss the situation and determine a course of action. On a more formal basis, use of professional meetings to gain the perspective of colleagues may be helpful. Because many life care planners do not work in institutional settings, they may have to create their own mechanisms for review. Conversely, our institutionally-based colleagues may have access to formal Ethics Committees who routinely meet to discuss specific situations. Lacking that, life care planners can seek other ways to have formal methods for review.

Established review sources may be available through professional organizations or accrediting and credentialing organizations. As examples, the commissions for the Certified Rehabilitation Counselor (CRC) and Certified Case Manager (CCM) credentials both provide formal review processes for examining potential ethics issues and offering guidance. Professional organizations, such as International Academy of Life Care Planners (IALCP), a specialty section of the International Association of Rehabilitation Professionals (IARP), can offer peer review of situations by fellow members who agree to serve as advisors for ethical dilemmas.

Summary

In general, ethical dilemmas are a part of work for life care planners. Sometimes the dilemmas will be obvious and easy to solve. At other times, the dilemmas are subtle and may go unnoticed until the situation suddenly feels uncomfortable or others bring the issue to attention. As the field of life care planning continues to develop, it is important for all life care planners to become aware of issues we encounter and be familiar with the tools that are available to us. As a field that is still developing and maturing, our awareness and resources for

dealing with ethics dilemmas will also continue to evolve. While many sophisticated and useful tools are already available, life care planners need to recognize that these tools exist and are accessible, and to recognize the situations for using these tools in the most effective manner.

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About the Author

Karen Preston is co-owner of RNS HealthCare Consultants, a consulting firm specializing in case management, life care planning, and education. With a clinical background in rehabilitation and catastrophic injuries, Karen has worked in acute rehabilitation and home and community settings. She has extensive experience in direct care and in administrative and consulting roles. She is Past President of the Association of Rehabilitation Nurses. She belongs to associations serving the rehabilitation nursing, case management, life care planning, and the workers' compensation communities. She holds teaching appointments at three universities. She is currently on the board of directors for the International Academy of Life Care Planners and serves on the IALCP Standards committee and Peer Review committee.
