

Ethics Interface

Mary Barros-Bailey, PhD, CRC, CLCP, CDMS, NCC, D/ABVE

This Ethics Interface column was written as a collaborative effort of its panel: Dorajane Apuna, Mary Barros-Bailey, Nancy Mitchell, and Ann Wallace with the editorial support of Roger Weed and Tyron Elliot. Mary Barros-Bailey wrote her doctoral dissertation on this month's topic and is the guest author for this issue's column.

The Ethics Interface column is meant to be an educational forum for life care planners. It is not designed to offer an authoritative opinion from the editor or editorial board of the *Journal of Life Care Planning*, the board of the International Academy of Life Care Planners (IALCP), or the board of its parent organization, the International Association of Rehabilitation Professionals (IARP), nor is it designed to represent or replace official opinions from the certifying body or other organizations associated with the practice of life care planning.

Ethical Dilemma

I frequently have other experts assigned to a case contact me by e-mail. I am uncomfortable with the informality and content of some of these communications. What should go in an e-mail and what is off limits? What are the ethics of e-mail communications for the life care planner?

Response

The International Academy of Life Care Planners (IALCP) is a specialty section of the International Association of Rehabilitation Professionals (IARP), and is devoted to the needs of life care planners. Section A.9.a of IARP's *Code of Ethics, Standards of Practice, and Competencies* (2006) states, "IARP members will be held to the same level of expected ethical behavior regardless of the form of communication, e.g., cellular phones, electronic mail (e-mail), fax, video, or any and all other audio-visual media." Further, the same section states that, "IARP members will exercise responsible, ethical behavior at all times; respect the need for confidentiality; and adhere to the standards set forth by their individual credentialing and/or licensing boards." The expectation that a life care planner is held to the same level of responsibility regardless of the form of communication or information exchanged about a person receiving services appears to be a common principle in the professional codes of ethics not only for life care planners, but also for such professions as nursing (Provision 3.2, American Nurses Association, *Code of Ethics for Nurses*, 2001) and rehabilitation counseling (Section I.1.a, Commission on Rehabilitation Counselor Certification, *Code of Professional Ethics for Rehabilitation Counselors*, 2001), to name a couple of professions from where many life care planners emanate. Although that behavioral expectation has become imbedded in professional codes for several years, research suggests that when it comes to online communication or information remission, there appears to be almost a disconnect between the expected behavior and what the professional believes s/he is doing when using the Internet in professional practice (Barros-Bailey, 2007; Barros-Bailey & Crisafulli, 2007; Barros-Bailey & Fischer, 2008). Some researchers explain this disconnection as a type of disinhibition (Suler, 2004).

With the awareness of the level of ethical responsibility with information received and

remitted online, comes the opportunity of equally using the technology to meet our ethical responsibilities. A question sometimes arises about the privacy and security of e-mails. Just because the sending and receiving parties erase the e-mail from their in and trash boxes in no way means the e-mail is gone. On the contrary, it likely resides on at other servers and/or backup systems through which that message traveled. Thus, if a subpoena or court order requests copies of those e-mails, they could be obtained without too much effort. The next question that arises is whether the work product is protected. This is a disputed subject within different jurisdictions. It is best to assume that e-mail is not protected. Often, there is debate as to whether the e-mail communication is part of the evaluatee's case file. The Commission on Rehabilitation Counselor Certification (CRCC) 2008 suggested code revision Section I.6.a states, "Rehabilitation counselors are aware that electronic messages are considered to be part of the client's record." At least for one profession whose members make up the ranks of life care planners, the answer is clearly "yes."

Because the Internet is so new to professional practice that codes of ethics have only been integrating standards about this technology within their codes for less than a decade, it is not surprising that there are few best practice guidelines to ensure that our ethical responsibility continues when using this format to communicate. Barros-Bailey and Crisafulli (2007) provide some best practice suggestions that are further expanded:

- Online communication should not be any less professional than if delivered in another format;
 - If communicating in this format with or about evaluatees, develop firm policies regarding disclosure and informed consent;
 - Consider using disclosure and informed consent forms and electronic signatures to remit information regarding the firm's policy on electronic communication to evaluatee's or other professionals at the beginning and throughout the service delivery process;
 - Integrate electronic policy statements in retainer agreements to inform referral sources about the firm's electronic communication policies;
 - Be aware that online communication is likely recorded by several sources probably discoverable through subpoena and/or court order, unless there is an exclusion based on local, regional, or national protections;
 - As in case notes, remit only the minimal amount of information, and minimize or eliminate identifying information (NOTE: If only communicating about one evaluatee, it is probably unnecessary to have the person's name anywhere in the e-mail. Subject lines on encrypted messages are not encrypted; thus, the evaluatee's name or identifying information should not be placed in the subject line.);
 - Use password protection or encryption on attachments sent (NOTE: If using MS Word or Adobe Acrobat, this is easily performed with a couple of clicks of the button. However, remember to not remit the password in the body of the e-mail, but instead have a pre-determined password with the recipient or make a nondescript notation such as, "The password is the date of incident and the evaluatee's year of birth with no spaces or punctuation." Password protection and encryption does not guarantee security, but increases the level of demonstrated behavior by the life care planner to protect confidentiality and privacy of the evaluatee.).
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There are additional best practice recommendations that are emerging in the literature. For the life care planner, as for almost every other professional, because of the newness of these evolving communication and record keeping technologies, we are all learning together. First comes awareness. Then comes our responsibility to teach that awareness to those we come in contact with in our practice through our person ethical policies and actions.

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New Ethical Dilemma

I agreed to subcontract life care planning work with a local case management/life care planning company. I was told that my work would be edited. I assumed that the editing would be for typographical errors. My work on my first case was submitted and later a copy sent to me. I found not only the replacement frequencies in the plan increased but costs were amplified as well. This was a plaintiff case. My name is on this plan but the report does not accurately represent my research or my opinion. What should I do?

A response to the above ethical dilemma will be published in the next issue of the *Journal of Life Care Planning*. *Journal of Life Care Planning* welcomes the submission of real world ethical dilemmas. Submissions will be altered to promote confidentiality and be kept in strict confidence. Please send submissions via email to nancymitchell4574@yahoo.com.