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Ethics Interface

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The 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 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?

Response

The code of professional ethics from our various certifying bodies offers us guidelines that can be applied to this circumstance. The Commission on Health Care Certification *Standards and Guidelines* (2007), R 1.4 (page 35) states, “Disability examiners and life care planners will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their professional activities.” In R 2.4 (page 36) it further states, “Disability examiners and life care planners primary obligation and responsibility is to the catastrophically or non-catastrophically disabled person for whom assessment, evaluation, medical, and vocational and rehabilitation needs are being determined.”

In the Guidelines to the *Occupational Therapy Code of Ethics* (2006), Professional Behaviors 2.4 (p. 653) states, “Documentation shall accurately reflect the services delivered and the outcomes. It shall be of the kind and quality that satisfies the scrutiny of peer reviews, legal proceedings, payers, regulatory bodies, and accrediting agencies.”

The *Code of Professional Ethics for Rehabilitation Counselors* (retrieved from www.crccertification.com on August 1, 2008), Section E.1.a, Negative Conditions states, “Rehabilitation counselors will alert their employers to conditions that may be potentially disruptive or damaging to the counselor’s professional responsibilities or that may limit their effectiveness.”

It is first important to reflect on your work and be certain that you followed the basic published procedures of the life care planning process. Assuming that this has been done, you will have record of the foundation of the plan in your file. This must, of course, agree with your plan.

You should then initiate contact within the retaining company to resolve the issue. It is clear that changing your work product in terms of pricing and replacement schedules is unethical and this must be addressed immediately with the company for whom you subcontract. The report must be changed to accurately reflect your research and opinions. The attorney requesting the work must be contacted and told that the original report received does not provide an accurate reflection of the opinion of the life care planner and a revised plan will be submitted. The *Code of Professional Ethics for Rehabilitation Counselors* (retrieved from www.crccertification.com on August 1, 2008), Section E.1.e states, "In those instances where rehabilitation counselors are critical of policies, they will attempt to affect change through constructive action within the organization. Where such change cannot be affected, rehabilitation counselors will take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations or termination of employment."

If you believe the changes to the plan were made without clear knowledge of the ethical problems involved and you are certain that this will not occur again, then the problem likely can be resolved with the above action. However, if you believe there is a deliberate attempt to breach ethics and the company refuses to change the plan, it is your responsibility to contact the governing body of the company retaining you for the work to report the incident. You should also withdraw from the case and refund any payment received on the case and elect never to again accept work from this company. It may be helpful to document the events so there is a paper trail should your own ethics be questioned.

While our codes of ethics do not directly address this particular issue, there may be some business practices to eliminate similar types of problems from occurring. For example, it may be very helpful to the life care planner who subcontracts work to have a written agreement with the contracting agency. There should be a clause in the contract that the life care planner shall have a final say in all edits and the plan must be provided to the life care planner prior to release of the report. The life care planner should always receive a copy of the final report and confirm that the work is their own.

It may also be good business practice for the life care planner to password protect and lock documents sent electronically. While the life care planner should obtain instructions as they pertain to their unique computer operating system, below are some general informational tips on how to lock a document (this does not include information on how to password protect it, although in both programs it can be done within the same screen):

MS Word/Vista OS (DOC):

1) Go to the drop-down menu from the MS Office icon on the top left hand corner of the program
2) Select "Save as"
3) Select "Tools"
4) Go to "General Options"
5) Select "Read-only Recommended"
6) Select "OK"
7) Save the document in order to save the new settings. (If you do not save the document, the new settings will not take.)
8) Select "Yes"

Adobe Acrobat Professional 8 (PDF):

1) Go to the "Secure" drop-down menu (lock icon)
2) Select #2, "Password Encryption"
3) A window called "Password Security - Settings" will open
4) Go to Permissions section and select "Restrict editing and printing of the document"
5) Select a strong password (alphanumeric, symbols, etc.)
6) Select what you want to restrict (no printing/read only, low/high resolution), and/or if any changes are allowed
7) Before you leave this window, the program will require you to verify the password
8) Make sure to save the file or the new settings will not apply to it when the document is remitted as an attachment

Note: This procedure may not be helpful in the subcontracting situation where the work product of the life care planner is transferred to the letterhead of the agency requesting the subcontract work.

References

Guidelines to the Occupational Therapy Code of Ethics. (2006). *American Journal of Occupational Therapy, 60*(6), 652-658.

The Code of Professional Ethics for Rehabilitation Counselors. (2003). Retrieved from the World Wide Web on August 1, 2008 from http://www.crccertification.com

The Commission on Health Care Certification Standards and Guidelines. (2007). Retrieved from the World Wide Web on August 1, 2008 from http://www.ichcc.org/.

New Ethical Dilemma

I am a life care planner frequently working for the opposing side of a local life care planner who, in my opinion, does extremely poor work. She is a certified life care planner but her reports do not reflect the basic tenets I was taught when I was trained. I do not know if the work is a result of incompetence or if it reflects an intention to inflate costs to satisfy the attorneys who retain her. At what point should another life care planner report a peer who does poor quality work?

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