

Ethics Interface

Nancy Mitchell, MA, OTR/L, ATP, CLCP, FIALCP

This Ethics Interface column was written as a collaborative effort of its panel: Dorajane Apuna, Mary Barros-Bailey, and Ann Wallace with the editorial support of Roger Weed and Tyron Elliot. The author is grateful for their wisdom and collective experience.

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

One of my close relatives was seriously hurt in a motor vehicle accident. They have hired an attorney and it appears a lawsuit will be filed and a life care plan will be needed. I would like to offer to do this life care plan at no cost. Are there any ethical concerns with this offer?

Response

We know we have an ethical dilemma when we hear ourselves saying, "I really want to help out this friend or relative and I know I could serve him or her well but I wonder if there will be an issue when the parties realize the evaluatee and I are related (or are friends)." If you are questioning yourself, then you probably know the answer: Suggest the attorney refer the life care plan elsewhere. The basis for the decision is found in our ethics codes governing impartiality, dual relationships, and conflict of interest.

The International Academy of Life Care Planners Standards of Practice provides clear guidance on this issue:

"IV. Standards of Performance

Ethical

2. Dual or multiple relationships: A personal relationship with a client is not appropriate during the course of the service. Developing life care plans for friends, co-workers, professional colleagues, or anywhere the objectivity and professionalism of the care plan is questionable should be avoided" (p. 128).

The Commission on Health Care Certification (CHCC) Standards and Examination Guidelines offers a less clear, but none the less, similar direction to this question. In "Principles and Associated Rules: Principle 2-Disability Examiners and Life Care Planners/Patient Relationship: Rules of Professional conduct:

R2.2: Disability examiners and life care planners will avoid establishing dual

relationships with patients that could impair one's professional judgment or increase the risk of exploitation" (p. 36).

More support for this decision is found in the Commission on Rehabilitation Counselor Certification, Ethics Code:

"F.2. REHABILITATION COUNSELOR FORENSIC COMPETENCY AND CONDUCT

c. **AVOID POTENTIALLY HARMFUL RELATIONSHIPS.** Rehabilitation counselors who provide forensic evaluations avoid potentially harmful professional or personal relationships with individuals being evaluated, family members, romantic partners, and close friends of individuals they are evaluating. There may be circumstances however where not entering into professional or personal relationships is potentially more detrimental than providing services. When such is the case, rehabilitation counselors perform and document a risk assessment via use of an ethical decisionmaking model in order to arrive at an informed decision (p. 16).

d. **CONFLICT OF INTEREST.** Rehabilitation counselors recognize that their own personal values, moral beliefs, or personal and professional relationships with parties to a legal proceeding may interfere with their ability to practice competently. Under such circumstances, rehabilitation counselors are obligated to decline participation or to limit their assistance in a manner consistent with professional obligations" (p. 16).

There would also be substantial practical problems for the attorney on this case. It would be difficult to go court with a life care plan in this situation as it is doubtful that the attorney could overcome the presumption of partiality on the part of the life care planner. Having completed the life care plan at no charge already demonstrates potential bias. This would provide opposing counsel major questions to bring forward. It would be very difficult to convince the jury of the objectivity of your work.

References

- Commission on Health Care Certification Standards and Guidelines. (2007). Retrieved July 18, 2009 from <http://www.ichcc.org/>
- Commission on Rehabilitation Counselor Certification. *Code of professional ethics for rehabilitation counselors* (2010). Retrieved September 7, 2009 from www.crc certification.com
- Standards of Practice for Life Care Planners. (2006). *Journal of Life Care Planning*, 5(3), 123-129.

New Ethical Dilemma

I am a life care planner who continues to practice as a nurse in a hospital as I grow my life care planning business. I took a life care planning certification course that gave me an excellent foundation in my work as a life care planner. I attend many workshops specific to nursing that fulfill the continuing education requirements for my certification as a life care planner. Is there a concern if I choose not to attend educational programs specific to forensic work or life care planning?

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. Submissions will be altered to promote confidentiality and be kept in strict confidence. Please send submissions via email to nancymitchell4574@yahoo.com
