Journal of Life Care Planning, Vol. 14, No. 3, (59-62)

Ethics Interface
Ethical Concerns with Conflicts in Codes and Standards of Practice

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This column is the collaborative effort of Nancy Mitchell, Mary Barros-Bailey, Sherry Latham, Bobbi Dominick, and Ann Neulicht. The author is grateful for their editorial support, 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, or the board of its parent organization, the International Association of Rehabilitation Professionals, nor is this column designed to represent or replace official opinions from the certifying body or other organizations associated with the practice of life care planning.

Dilemma

I am a registered nurse who is a Certified Life Care Planner as well as a Certified Nurse Life Care Planner. I maintain active memberships to the International Academy of Life Care Planners and the American Association of Nurse Life Care Planners. Both organizations/certifications have their own standards of practice and guidelines for ethics. If there are differences in these standards, how do I provide the best service in my business as well as protect myself from any potential ethical infractions?

Response

It is the responsibility of life care planners to understand all applicable scope and standards of practice as well as ethical guidelines. It is also important the professional understand the differences of those codes and standards as well as how they apply to their individual practices and those of their colleagues. It is similarly prudent for the professional to understand the process by which each licensure, certification body or professional association processes possible infractions.

While standards of practice and ethical codes are unique to each of the primary practice areas for life care planners, they are also typically complimentary. Weed and Berens (2010) report:

> Life care planning is a transdisciplinary practice. Each profession brings to the process of life care planning, practice standards that must be adhered to by the individual profession and these standards remain applicable while the practitioner engages in life care planning activities. Each professional works within specific standards of practice for his discipline to assure accountability, provide direction and mandate responsibility for the standards for which he is accountable. These include, but are not limited to, activities related to quality of care, qualifications, collaboration, law, ethics, advocacy, resource utilization and research. Moreover, each individual practitioner is responsible for following the standards of practice for life care planning in addition to the standards for the qualifying profession (p. 942).

Further, according to Weed and Berens (2010):

> Ethics refers to a set of principles of right conduct, a theory or a system of moral values, or the codes or standards governing the conduct of a person or members of a profession. The primary goal of ethics is to protect clients, provide guidelines to practicing professionals and enhance the profession as a whole. Within the life care planning specialty, all practitioners are members of one or more professional disciplines or are licensed or certified. It is expected that life care planners follow appropriate, relevant, ethical guidelines within their areas of professional practice and expertise (p. 945).

In most cases, the standards of practice and ethical standards of varied professions, certifications, and/or organizations align. The issue of conflicting standards is real and is not unique to nurse life care planners. The Certification of Disability Management Specialists Commission (2015) deals with this issue directly in its code. It states:

> The CDMS Commission (the Commission) recognizes that many certificants may hold more than one professional license or certification. It is the intent of the Commission that the CDMS Code of Professional Conduct (ethics) which offers the greatest amount of protection for all parties, be in effect at any given time (p. 2).

This advice may be helpful as you consider how to approach this issue. Examples of conflicts in the standards could include the life care planner providing dual roles such as case management, legal nurse consulting, vocational rehabilitation training, or placement for the evaluee for whom one is developing a life care plan. Another example would be the lack of utilization of foundational sources outside of one's scope of practice in the development of the

life care plan, such as medical foundation with a physician, evidenced-based resources, or clinical guidelines. It will be prudent for the life care planner to address such conflicts in the standards openly and directly as a part of the business practice.

The life care planner should make this review a formal and intentional process. If conflicts exist and these present an ethical dilemma, it may be best to use an ethical decision-making process such as the one below, adapted from Corey, Corey, & Callahan (1998):

1) Review situation and choose courses of action
2) List factually based reason for following each course of action
3) List reasons for supporting/not supporting each course of action
4) For those not supporting each course of action, the ethical principles and legal principles that were compromised were considered
5) Formulate a justification for the superiority of the courses of action
6) Consultation
7) Resolution
8) Documentation

Thoughtful consideration of the conflicts in your individual standards is needed. Steps 1-5 can be conducted independently, but it will also be important to consult with others (#6) who may or may not face a similar conflict and could provide you with an objective opinion as to how to resolve the dilemma. Ultimately, it will be important to document your personal resolution to the conflict of standards in your case acceptance letter, fee agreement, or case file should this become fodder for questions at deposition or trial.

In reviewing the scopes and standards of practice and ethical guidelines, it is apparent that the basic idea of each of the disciplines is to promote protection of the public. It is within the scope and standards of practices that differences can be found. Differences within these do not necessarily equate to ethical infractions although these differences could equate to potential problems for that professional qualifying for testimony and potentially facing impeachment.

The field of life care planning is relatively young and evolving. We will need to continue to address, dialogue, and problem-solve areas of conflict within the profession. Conflicting standards are certainly issues that need ongoing consideration and discourse.

Relevant Organizational Standards

From the International Academy of Life Care Planning *Standards of Practice for Life Care Planners* (2015):

I. INTRODUCTION

C. Transdisciplinary Perspective

Life care planning is a transdisciplinary specialty practice. Each profession brings to the process of life care planning practice standards, which must be adhered to by the individual professional, and these standards remain applicable while the practitioner engages in life care planning activities. Each professional works within specific standards of practice and regulatory requirements for his or her discipline to ensure accountability, provide direction, and mandate responsibility for the standards for which he or she is accountable. These standards include, but are not limited to, activities related to quality of care, qualifications, collaboration, law, ethics, advocacy, resource utilization, and research. In addition, each individual practitioner is responsible for following the Standards of Practice for Life Care Planners.

2. STANDARD: The life care planner shall practice in an ethical manner and follow the Code of Ethics of his or her respective professions, roles, certifications and credentials.

MEASUREMENT CRITERIA:

a. Follows the Code of Ethics for his or her profession.

b. Follows the Code of Ethics for his or her professional roles, certifications, and credentials.

From the Commission for Case Manager Certification *Code of Professional Conduct for Case Managers* (2015):

Preamble

The Rules of Conduct and the Standards for Professional Conduct prescribe the level of conduct required of every Board-Certified Case Manager ("CCM®"). Compliance with these levels of conduct is mandatory. Enforcement will be through the CCMC Procedures for Processing Complaints.

III. Ethical Issues

Because case management exists in an environment that may look to it to solve or resolve various problems in the health care delivery and payor systems, case managers may often confront ethical dilemmas. Case managers must abide by the Code as well as by the professional code of ethics for their specific profession for guidance and support in the resolution of these conflicts.

From the Certification of Disability Management Specialists Commission *The CDMS Code of Professional Conduct* (2014):

Preamble

The CDMS Commission (the Commission) recognizes that many certificants may hold more than one professional license or certification. It is the intent of the Commission that the CDMS Code of Professional Conduct (ethics), which offers the greatest amount of protection for all parties, be in effect at any given time. At the same time, the Commission recognizes that it would not be appropriate to presume to enforce the codes of professional conduct or the code of ethics of any other certifying agency or any legal jurisdiction affecting a certificant. For that reason, the Commission will not review any allegations or violations of codes of ethics or professional conduct of any other certifying agency or legal jurisdiction.

From the American Association of Nurse Life Care Planners *Scope and Standards of Practice* (2015):

"Codes of ethical practice educate and inform professionals about sound ethical behavior, while mandating a minimal standard of practice. The ANA code of Ethics for Nurses with Interpretative Statements (ANA 2001) provides the framework for ethical nurse life care planning practice." (AANLCP 2015, p. 24)

"Ethical concerns in nurse life care planning practice are often complex and multidimensional and may or may not be addressed in laws and professional ethic codes." (AANLCP 2015, p. 24)

"Three documents establish the foundation and create the framework for all nursing practice within the global domains of practice, education, administration and research as well as in more discrete areas of specialty practice. Nursing's Social Policy Statement: The Essence of the Profession (ANA 2010b) describes professional nursing's accountability to the public and identifies the processes of self-regulation, professional regulation and legal regulation as mechanisms to maintain public trust."

"A second resource, the Code of Ethics for Nurses with Interpretative Statements (ANA 2001) provides significant guidance for all nursing and their nursing practice in every setting."

"The third foundational document, Nursing Scope and Standards of Practice, Second Ed., (ANA2010a) presents in more detail in further defining the scope of practice and standards of practice for all registered nurses. It describes what nursing is, what nurses do and those responsibilities for which nurses are accountable."

For nurse life care planners, the most important foundational document is *Nurse Life Care Planning Scope and Standards of Practice* (AANLCP 2015).

From the American Association of Nurse Life Care Planners *Ethics in Nurse Life Care Planning: The AANLCP Code of Ethics and Conduct* (2015):

Ethics Standard:

5. The nurse life care planner assumes responsibility and accountability for professional action, opinions, recommendations and commitments.

6. The nurse life care planner provides professional services with objectivity.

Explanation:

- The nurse life care planner demonstrates critical thinking in decisions, recommendations and opinions.
- The nurse life care planner actively seeks to eliminate personal opinion, prejudice, conflict of interest, consideration or appearance of any of these that could interfere with objectivity, performance or outcome or tend to create the appearance of bias.

7. The nurse life care planner participates in the advancement of the profession through participating in and promoting mentorship, collegiality, education and ongoing knowledge development.

From the Commission for Case Manager Certification *Code of Professional Conduct for Case Managers*:

"Board-Certified Case Managers (CCMs) will obey all laws and regulations." (p. 2, Principle 7)

From the Commission on Rehabilitation Counselor Certification *Code of Professional Ethics for Rehabilitation Counselors*:

SECTION L: RESOLVING ETHICAL ISSUES

L.1. KNOWLEDGE OF CRCC STANDARDS

Rehabilitation counselors are responsible for reading, understanding, and following the Code, and seeking clarification of any standard that is not understood. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

L.2. APPLICATION OF STANDARDS

a. DECISION-MAKING MODELS AND SKILLS. Rehabilitation counselors must be prepared to recognize underlying ethical principles and conflicts among competing interests, as well as to apply appropriate decision-making models and skills to resolve dilemmas and act ethically.

b. ADDRESSING UNETHICAL BEHAVIOR. Rehabilitation counselors expect colleagues to adhere to the Code. When rehabilitation counselors possess knowledge that raises doubt as to whether another rehabilitation counselor is acting in an ethical manner, they take appropriate action.

c. CONFLICTS BETWEEN ETHICS AND LAWS. Rehabilitation counselors obey the laws and statutes of the legal jurisdiction in which they practice unless there is a conflict with the Code. If ethical responsibilities conflict with laws, regulations, or other governing legal authorities, rehabilitation counselors make known their commitment to the Code and take steps to resolve conflicts. If conflicts cannot be resolved by such means, rehabilitation counselors may adhere to the requirements of law, regulations, or other governing legal authorities.

d. KNOWLEDGE OF RELATED CODES OF ETHICS. Rehabilitation counselors understand applicable ethics codes from other professional organizations or from certification and licensure bodies of which they are members. Rehabilitation counselors are aware that the Code forms the basis for CRCC disciplinary actions, and understand that if there is a discrepancy between codes they are held to the CRCC standards.

e. CONSULTATION. When uncertain as to whether particular situations or courses of action may be in violation of the Code, rehabilitation counselors consult with other professionals who are knowledgeable about ethics, with supervisors, colleagues, and/or with appropriate authorities, such as CRCC, licensure boards, or legal counsel.

f. ORGANIZATION CONFLICTS. If the demands of organizations with which rehabilitation counselors are affiliated pose a conflict with the Code, rehabilitation counselors specify the nature of such conflicts and

express to their supervisors or other responsible officials their commitment to the Code. When possible, rehabilitation counselors work toward change within organizations to allow full adherence to the Code. In doing so, they address any confidentiality issues.

From the International Commission on Health Care Certification *Code of Professional Ethics* (2015):

IX. CODE OF PROFESSIONAL ETHICS

Preamble

Certified health care professionals under the ICHCC are obligated to perform activities within their respective certification areas, which have been researched to suggest that these activities are an integral part of their roles and functions. Certified Life Care Planners are required at the minimum to assess the client's medical and independent living service needs, assess their vocational feasibility and options, and to provide consulting services to the legal system. But above all, the certified professionals of the ICHCC must demonstrate adherence to ethical standards and must ensure that the standards are enforced. The Code of Professional Ethics is designed to serve as a reference for professionals who carry ICHCC certification credentials, thus ensuring that acceptable behavior and conduct are clarified, defined and maintained. The basic objective of the Code of Professional Ethics is to promote the welfare of service recipients by specifying and enforcing ethical behavior expected of disability examiners and life care planners.

The Code of Professional Ethics consists of two types of standards; Principles and Rules of Professional Conduct. The Principles are general standards, which provide a definition of the category under which specific rules are assigned. While the Principles are general in concept, the rules are exacting standards, which provide guidance in specific circumstances.

X. PRINCIPLES AND ASSOCIATED RULES

Principle 1 - Professional and Legal Standards

ICHCC certificants shall behave in legal, ethical, and professional manner in the conduct of their profession, maintaining the integrity of the Code of the Professional Ethics and avoiding any behavior, which would cause harm to other entities and/or individuals.

Rules of Professional Conduct:

R1.5 ICHCC Certificants shall understand and abide by the Principles and Rules of Professional Conducts which are prescribed in the Code of Professional Ethics.

Principle 4 - Professional Relationships

ICHCC Certificants shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources and other professions as to facilitate the contributions of all specialists.

Rules of Professional Conduct:

R4.2 ICHCC Certificants shall collaborate as a team with allied professionals in formulating reports when applicable.

This journal welcomes the submission of real world ethical dilemmas. Submissions will be altered to promote confidentiality and kept in strict confidence. Please send submissions via email to nancymitchellot@gmail.com.

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