

## Ethics Interface

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This column is the collaborative effort of Nancy Mitchell, Mary Barros-Bailey, Sherry Latham, Ann Neulicht, and Bobbi Dominick. 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 it designed to represent or replace official opinions from the certifying body or other organizations associated with the practice of life care planning.

### Dilemma

As a life care planner with a nursing background, I frequently refer attorneys to vocational experts for the vocational portion of the case. I have learned that on multiple occasions one individual has tried to persuade the attorney to use him to develop the life care plan, rather than me who has already been retained. Is this an ethical breach or just poor business practice?

### Response

This behavior is clearly egregious. Our standards of practice consistently promote positive relationships, professionalism, and integrity. This act is an exploitation of your professional relationship with this individual and one you will certainly not forget when future referrals are requested.

It is critical for life care planners to develop a good reputation if they want to build and maintain a business. While this vocational expert may obtain a short-term increase in work, it is not likely it will be sustained in the long run. The value of the work of a life care planner goes beyond the number of referrals generated; an ethical reputation is priceless. It is far easier to build a good reputation than to repair a poor one.

### Relevant Organizational Standards

From the International Academy of Life Care Planning Standards of Practice (2015)

IV Standards of Practice

7. Standard: The life care planner seeks collaboration when possible.

Measurement Criteria:

a. Fosters positive relationships with all parties.

From the International Commission on Health Care Certification (2015)

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:

R1.1 ICHCC Certificants shall obey the laws and statutes in the legal jurisdiction in which they practice and are subject to disciplinary action for any violation, the extent that such violation suggests the likelihood of professional misconduct.

R1.3 In the absence of legal guidelines, the Code of Professional Ethics is binding.

R1.4 ICHCC Certificants shall not engage in any acts or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their professional activities.

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.

R 1.6 ICHCC Certificants shall not advocate, sanction, participate in, and cause to be accomplished, otherwise carry out through another, or condone any act, which the ICHCC Certificants are prohibited from performing by the Code of Professional Ethics.

R1.7 ICHCC Certificants shall refuse to participate in employment practices, which are inconsistent with the professional or legal standards regarding the treatment of employees or the public.

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.

R4.5 ICHCC Certificants shall not discuss with evaluatee and/or referral source reputations and/or competency of colleagues in a disparaging manner, nor will they provide judgments to the evaluatees regarding quality and appropriateness of treatment they may have received from other professionals.

From the Commission for Case Manager Certification Code, Professional Conduct for Case Managers for Standards, Rules, Procedures, and Penalties (2015) and From the CDMS Code of Professional Conduct (2015)

#### Principles

Principle 1: Certificants shall endeavor to place the public interest above their own at all times.

Principle 2: Certificants shall respect the integrity and protect the welfare of those persons or groups with whom they are working.

Principle 4: Certificants shall act with integrity in dealing with other professionals .

From the Commission on Rehabilitation Counselor Certification, Code of Professional Ethics for Rehabilitation Counselors (2017)

#### D.5. Responsibility To The Public And Other Professionals

e. Exploitation Of Others. Rehabilitation counselors do not exploit others in their professional relationships to seek or receive unjustified personal gains, sexual favors, unfair advantages, or unearned goods or services.

g. Veracity. Rehabilitation counselors do not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their professional activities.

h. Disparaging Remarks. Rehabilitation counselors do not disparage individuals or groups of individuals.

#### E.3. Provision Of Consultation Services

a. Consultation. As consultants, rehabilitation counselors only discuss information necessary to achieve the purpose of the consultation. When engaging in formal and informal consultation, rehabilitation counselors refrain from discussing confidential information that reasonably could lead to the identification of a client unless client consent has been obtained or the disclosure cannot be avoided. Rehabilitation counselors refrain from providing consultation when they are engaged in a personal or professional role that compromises their ability to provide effective assistance to clients.

b. Consultant Competency. Rehabilitation counselors provide consultation only in areas in which they are competent. They make reasonable efforts to ensure they have the appropriate resources and competencies. Rehabilitation counselors provide appropriate referral resources when requested or needed.

#### F.2. Forensic Competency And Conduct

b. Qualification To Provide Expert Testimony. Forensic rehabilitation counselors have an obligation to present to finders of fact the boundaries of their competence, the factual bases (knowledge, skill, experience, training, and education) for their qualifications as experts, and the relevance of those factual bases to their qualifications as experts on the specific matters at issue.

#### F.3. Forensic Practices

a. Case Acceptance And Independent Opinion. Forensic

rehabilitation counselors have the right to accept any referral within their area(s) of expertise. They decline involvement in cases when asked to support predetermined positions, assume invalid representation of facts, alter their methodology or process without foundation or compelling reasons, or when they have ethical concerns about the nature of the requested assignments.

#### K.1. Advertising And Soliciting Clients

c. Recruitment Through Self-Referral. Rehabilitation counselors working in an organization that provides rehabilitation counseling services do not refer clients to their private practice unless the policies of a particular organization make explicit provisions for self-referrals. In such instances, clients must be informed of other available options for services.

From the American Association of Nurse Life Care Planners-Code of Ethics 2015

#### Standard 9. Professional Practice Evaluation

The Nurse Life Care Planner evaluates one's own nursing practice in relation to professional practice standards and guidelines, relevant statutes, rules, and regulations.

##### Measurement Criteria:

The nurse life care planner's practice reflects the application of knowledge of current practice standards, guidelines, statutes, rules and regulations.

##### The nurse life care planner:

Establish collegial relationships with other nurse life care planners for reflection and

review of one's practice;

#### Standard 10. Collegiality

The Nurse Life Care Planner interacts with and contributes to the professional development of peers and colleagues.

##### Measurement Criteria:

The nurse life care planner:

- Shares knowledge and skills with peers and colleagues as evidenced by such activities as participating in appropriate conferences or presentations and at appropriate formal or informal meetings;
- Provides peers with feedback regarding their practice and/or role performance as appropriate;
- Maintains professional, caring and collegial relationships with peers and colleagues;
- Contributes to an environment that is supportive and conducive to the education of nurses entering the field of nurse life care planning;
- Mentors other nurse life care planners and colleagues as appropriate;
- Contributes to an environment that is conducive to the education of peers, colleagues, attorneys, individuals, families, insurance adjusters, jurors and others.

#### Standard 12. Ethics

The Nurse Life Care Planner integrates ethical provisions in all areas of practice. Measurement Criteria:

The nurse life care planner:

- Serves as an advocate for the individual, assisting in developing skills for self-advocacy while maintaining appropriate professional role boundaries;
- Maintains a professional relationship in the healthcare, community and legal environments;
- Demonstrates a commitment to practicing self-care, managing stress, and connecting with self and others;
- Participates on multidisciplinary and interdisciplinary teams that address ethical risks, benefits, and outcomes;
- Reports illegal, incompetent, or impaired practices, as appropriate and necessary.

#### Standard 15. Leadership

The Nurse Life Care Planner provides leadership in their professional practice setting and in the profession.

#### Measurement Criteria:

The nurse life care planner:

Promotes the professional development of others through mentoring and other strategies;

- Inspires loyalty through valuing of people;

## References

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