

Ethics Interface

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This 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 recently wrote a post on a listserv and described enough specifics on a case for the opposing life care planner to recognize it. The post asked for an opinion from fellow life care planners on a topic related to the case. At trial, the opposing attorney brought forth a printout of the listserv query and posed questions to me suggesting that I had been so unsure of my opinion that I had to ask colleagues about it. My ethical question is: Did the life care planner, who provided the listserv post to the attorney, violate any ethics guidelines?

Response

Listserves provide a valuable forum for life care planners. Often, life care planners work in solo practice and do not have colleagues readily available to collaborate and share information and ideas. The listserves available to life care planners provide an opportunity to communicate and pool resources with colleagues across the country and the world. The ease and informality of email and listserv communication can make the writer less cautious of their written word even though it may be read by a much greater audience than their typical business letter communication. Both the writer and the reader have a responsibility to share information ethically.

While a client can waive confidentiality when a lawsuit is filed, it is important for the life care planner to protect confidentiality in their communications. The life care planner is wise to assume that any listserv is not private. That being said, when posting on a listserv, the life care planner should alter information so that a specific case cannot be identified. This is an issue for attorneys as well. The Los Angeles Bar, in a Formal Opinion, Number 154, August 15, 2005, offered the opinion, "... Since one can never know who might read or react to an email posted on the Internet, and because it is likely that judges will be included in Listservs or other open communication lists, it is incumbent upon attorneys to avoid including any confidential or private information in a Listserv or other Internet posting that could be identified to a particular case or controversy" (Retrieved from: <http://www.lawbizblog.com/technology-ethics-of-listserv-communications.html> on March 9, 2007).

There is also an ethical responsibility of the reader of the listserv. The American Dietetic Association Ethics Committee (2006) wrote ethical guidelines for the use of the listserv. They concluded, "Some messages, however, are not intended by their authors to be shared or forwarded. In those cases, the duty not to forward or share arises when the person receiving the message clearly understands the author's intent.....It is likely only *unethical* for one to forward or distribute a listserv message when she [or he] does so with the clear knowledge that the author of the message wished that it not be forwarded or distributed, or with the intent to cause harm or embarrassment to the author" (pp. 1025-1026).

Listserve provide an invaluable method of communication and exchange of information. The life care planner is prudent to understand that postings are not private and that postings regarding specific cases must have enough details changed so that the case is not recognizable to the opposing life care planners or others who may have gained access to the listserv. Understand that a posting may be viewed by hundreds of people. Email communication is discoverable in many states. However, the reader may be compromising their ethics if they share a posting without permission of the author.

Reference

American Dietetic Association. (2006). 2005-2006 Ethics Committee. Ethics opinion: Conflict of interest disclosure on listservs. *Journal of the American Dietetic Association*, 106(7), 1025-1026.

New Ethical Dilemma for Consideration:

I am a long term case manager and I also have a new life care planning business. I have provided case management services to a client with a disability who is now in need of a life care plan. Her attorney has requested that I do the life care plan. I have become very close to the family but I know I could write an objective life care plan. Is it ethical for me to accept this assignment?

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