

# **Ethical Issues in Case Management with Vulnerable Individuals**

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### **Outline**

- What are Ethics?
- Where Do We Derive our Ethics?
- Ethical Issues: The Theories
- Codes of Ethics in the Helping Professions
- Ethical Issues: The Black and White
- Suggestions for Making Tough Ethical Decisions
- Case Management Ethical Issues: The Gray Areas

### **What are Ethics?**

### **Where Do We Derive our Ethics?**

### **Ethical Issues: The Theories**

- Deontological Theory
- Teleological Theory

## **Ethical Codes vs. Situational Ethics**

- Codes are eternal and necessary
- But there is a movement towards interpreting the situation on a case by case basis.
- When used well can lead to flexibility and an ability to adapt to changing demographics and norms.
- When overused can lead to a kind of lawlessness or idea that there are no real right and wrongs.

## **Codes of Ethics in the Case Management Professions**

- Social Workers
- Nurses
- Counselors
- Long Term Care Administrators-Health Care Executives(BELTSS)
- Others

## **What do we share?**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

## **How do we differ?**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

### **Most Recent Additions**

- Informed Consent &
- Capacity Issues
- Cultural Competence
- Electronic Records Issues
- Social Media Expectations & Guidance

### **Ethical Issues: The Black and White**

1. Representation of Credentials
2. Use/misuse of client resources
3. Use/misuse of agency resources
4. Sexual Relationships with clients or colleagues
5. Confidentiality surrounding client issues/records
6. Drug/alcohol use that impairs interactions with clients
7. Informed consent for services/fees
8. Avoidance of dual relationships

### **Suggestions for Making Tough Ethical Choices**

- Seek input from Peers, Peers, Peers...
- Seek input from Supervisors, Supervisors, Supervisors...
- Take the case in front of your Ethical Review Committee if you have one (Tough case committee, I Team)
- Write out issues in the Ethical Review Format

### **Ethical Review Format**

- Define the Problem
- State the Ethical Dilemma- i.e. the client's right to self determination vs. the best interest of the client as determined by the professional.
- Gather information
  - -Look at the Code, Seek the advice of others, Look at laws, policies, research
- Identify possible solutions and the potential consequences for all those involved
- Locate Barriers
- Implement solutions
- Evaluate and document
- Implement additional solutions

## **Review Decisions Using the *Three Test Formula***

- Justice-assess your own sense of fairness by determining whether you would treat others the same in this situation.
- Publicity-ask yourself whether you would want your behavior reported in the press.
- Universality-ask yourself to assess whether you could recommend the same course of action to another professional in the same situation.

## **Review Decisions Using the *Test of Ethical Decisions***

- A professional is probably acting ethically if he/she:
- has maintained personal and professional honesty.
- is working in the best interest of the client.
- is acting without malice or personal gain.
- can justify his or her actions as the best judgment of what should be done based upon the current state of the profession.

## **Case Management Ethical Issues: 6 Gray Areas**

### **1. *Who* is your client/patient?**

### **2. Balancing Risk**

- Home Setting Vs. Institutional Setting
- Unclean Living Environment Vs. Health & Safety
- What about mental illnesses?
- What about addictions?
- The Driving Decision.....
- Mild Cognitive Impairment & Dementia (slow and unsteady progression)

### **2. Balancing Risk**

- Insurance Companies HATE Risk
- Accountants HATE Risk
- Families HATE Risk

- Part of being an adult is being allowed to take risks in the name of free will
- Is a life without RISK--a life worth living?
- Do Adults Have The Right To Make *Poor* Decisions In Spite of Impairments?
- How Much Does Any Decision Reflect A Lifetime Of Experience And/Or Familiarity With the Way Things Are?

### **Is It a Rights Issue?**

#### Types of Rights of Adults

- Procedural Rights(law & order, legal system, services & benefits)
- Fundamental Rights in our Country(free speech, religious expression, equal treatment, vote)
- Everything Else???(living arrangements, food, exercise, medical decisions etc.....) Does the person have *capacity* to make those decisions?

### **Does the Person Lack *Capacity*?**

- Clinical Judgment About Person's Decisional Abilities & Functioning
- NOT All Or Nothing
- Legal System Takes This Recommendation And Makes A Judgement About *Legal Competence*

### **Determining Capacity**

- Can The Person *Express A Choice*?
- Does The Person *Understand The Information*?
- Does The Person *Understand* How The Information Relates To His/Her Own Personal Situation (Risks & Benefits)?
- Can He/She *Compare Options(Treatment, Living Situation, Financial Etc.)*?

#### Other Questions To Ask?

- What Is The *Real* Risk or Danger?
- It is tangible risk or a "what if" issue?
- Are other vulnerable people at risk?
- What Resources/Supports Are Available to the person?

### **3. Boundary Issues**

- Self Disclosure-Access
- Social Media
- Gifts
- Role Issues/Who Does What?
- Closure

### **What Are Boundaries?**

- Help To Differentiate You From Me—Kind Of Like A Fence—lets Each One Know Where I End And Where You Begin—
- Very Individual—But Also Very Important!
- Meant To Keep Us Safe And Healthy—Need To Be Clear About Boundaries
- Best If They Are Established Early In A Relationship Because They Are Hard To Modify Later On
- Often There Is An Unequal Power Balance—or Differing Expectations Between Two Sides
- Protection Against Charges Of Either Favoritism Or Exploitation
- Protection Of Professional From Both Liability Or Burnout

### **Potential Boundary Complications**

- Different Cultural Expectations
- Rural Communities( Or Limited/Small Populations)
- Concept Of Perpetuity-can The Professional Relationship Become Personal And Under What Circumstances?
- Long Term Relationships??

### **4. Transference and Counter Transference Issues**

### **5. Bureaucracies Needs**

- vs. People's Real Needs

### **6. End of Life Decisions**

- Assisting people the way they want to be assisted not just the way the funding will cover
- The Hospice Decision
- The actual *use* of advance directives
- Pain Management

## Social Work Values Hierarchy

- Rules against basic harm to an individual's survival take precedence over rules against harms such as lying or revealing confidential information or threats to additive goods;
- An individual's right to basic well-being takes precedence over another individual's right to self-determination;
- An individual's right to self-determination takes precedence over his or her right to basic well-being;
- The obligation to obey laws, rules and regulations to which one has voluntarily and freely consented ordinarily overrides one's right to engage voluntarily and freely in a manner that conflicts with these;
- Individuals' rights to well-being may override laws, rules, regulations and arrangements of voluntary associations in cases of conflict;
- The obligation to prevent basic harms and to promote public goods such as housing, education and public assistance overrides the right to complete control over one's property.

Taken from Reamer, F.G. (1999). *Social Work Values and Ethics* (2nd ed.). New York: Columbia University Press

## 10 Principles of Adult Protective Services

1. Freedom over Safety    The client has a right to choose to live at risk of harm, providing she or he is capable of making that choice, harms no one else, and does not commit a crime.
2. Self-Determination    The client has a right to personal choices and decisions until a time that she or he delegates, or the court grants, the responsibility to someone else.
3. Participation in Decision Making    The client has a right to receive information to make informed decisions and to participate in all decision making affecting his or her circumstances to the extent able.
4. Least Restrictive Alternative    The client has a right to service alternatives that maximize choice and minimize life-style disruption.
5. Primacy of the Adult    The worker has a responsibility to serve the client, not the community people, family member or landlords concerns.
6. Confidentiality    The client has a right to privacy and secrecy
7. Benefit of Doubt    If there is evidence that the client is making a reasoned choice, the worker has a responsibility to see that the benefit of doubt is in his or her favor.
8. Do No Harm    The worker has a responsibility to take no action that places the client at greater risk of harm
9. Avoidance of Blame    The worker has a responsibility to understand the origins of any maltreatment and to Commit no action that would antagonize the perpetrator and so reduce the chances of terminating the maltreatment.
10. Maintenance of the Family    The worker has a responsibility to deal with the maltreatment as a family problem, if the perpetrator is a family member, and to try to find the necessary family services to resolve the problem.

Mr. W. has lung cancer and he looks awful...he is on oxygen pretty much all the time. He is pretty unkempt and the house & yard are pretty cluttered. His granddaughter who is in recovery lives in the basement with her 2 children—you see the toys in the yard. Whenever, you go into the house, it smells like smoke. He tells you he quit smoking but there are cigarettes in the ash tray. Lately he has been telling you that his wife is in the back family room and she is taking care of him. You know his wife died a few years ago. You become concerned because he has missed several doctor's appointments and cancelled his home delivered meals because he says his granddaughter is cooking for him....but you see no evidence of food.

- What are your ethical issues here?
- What would your next moves be?

Mr. and Mrs. D. have been members of you're the board of your agency for a long time. They have a vacation condo in Florida and offer it to you and your family for a spring break trip. It is your husband's 50<sup>th</sup> birthday and you would love to give this affordable trip to him as a present.

- What are your ethical issues here?
- What would your next moves be?

Mrs. D is very alone as her husband recently died and her kids don't come around. She gets scared a lot at night and says she called the police twice last week. You worry about her and wonder about giving her your cell phone number so she can call you for reassurance instead of the police.

- What are your ethical issues here?
- What would your next moves be?

You are on facebook to share issues with your friends and relatives. Recently your ex shared something very embarrassing about you on your home page. You arrange to take it down...but when you go to visit a client the week after, she shares with you that she has seen it.

- What are your ethical issues here?
- What would your next moves be?

Mrs. P. shares some very private information about her health with you. You realize that her family does not know and you feel that they should.

- What are your ethical issues here?
- What would your next moves be?

After some remarks and some questions from a client, you begin to suspect she has a plan to end her life. But you do not have any definite proof or definitive knowledge of a plan. She has decision making capacity and has just been diagnosed with a serious and potentially terminal disease. She has very few family members or close friends.

- What are your ethical issues here?
- What would your next moves be?