Wisconsin Public Psychiatry Network Teleconference (WPPNT)

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• Call 877-820-7831 before 11:00 a.m.
• Enter passcode 107633#, when prompted.
• Questions may be asked, if time allows.
• To ask a question, press *6 on your phone to un-mute yourself. *6 to remote.
• Ask questions for the presenter, about their presentation.
• The link to the evaluation for today’s presentation is on the WPPNT webpage, under today’s date: https://www.dhs.wisconsin.gov/wppnt/2018.htm
Ethics in Clinical Practice: Learning How to Draw the Line

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Material and wording is for training purposes and does not have full completeness of the statutes or agency policy. In making a clinical decision or prior to taking action, you should refer to agency policy, state/federal statutes and consult with your supervisor for complete information.
Ethics, Principles, Standards?

- Ethical standards/rules based on principles of right and wrong and professional duties/obligations
- Principles promote values (trust, good behavior, fairness, kindness)
- Ethical standards are used by members of profession/group to determine the right course or action in a situation
- Ethical decision making: cognitive process using logical and rational criteria to reach a decision
Why are Ethics Important for Us?

• Increase the awareness of our professional responsibilities to clients and colleagues
• Manage challenges of increasing work demands and complexities of client issues
• Develop strategies when ethics and values conflict with professional expectations and responsibilities
• Help us to honestly reflect on any biases, risk factors and blind spots that may exist for us
• Model ethical behavior with clients and colleagues
Ethics Not Just “Do’s & Don’ts”

• Ethics are moral values in action
• Ethical awareness enables us to know when ethical dilemma is present
• Ongoing sensitivity enables us to anticipate ethical dilemmas and potential for ethically challenging situations
• Guided by professional values and use them in active decision-making process
Universal Values*

- **Beneficence** (help others/do good, prevent harm)
- **Autonomy** (respect for client’s freedom of choice and action, promote self-determination)
- **Nonmaleficence** (don’t hurt anyone including risking harm to others)
- **Justice** (be fair by giving equally)
- **Fidelity** (trust/keep promises/realistic commitments)
- **Self-Care** (attending to ongoing wellness)
- **Stewardship** (conserving resources)

*Some of our personal/professional standards of right and wrong*
Values in Mental Health Treatment

• Mental health treatment is not “value-free”
• Your values are your personal & professional standards of right and wrong and serve as your basis for making ethical decisions
• When you elect to become member of profession, you are agreeing to comply with standards of profession including code of ethics and values
Ethical Codes

- Ethics codes (NASW, APA, LPC, MFT)
  - Founded on principle-based ethics
  - Don’t include federal laws like HIPAA or case law
  - Considered “ethical floor” or foundation
- Clinical conduct is guided by our professional ethical codes which draws from principles or values
- Codes & standards inform rather than determine our ethical decisions (each client/case is unique)
- Ethical codes and standards cannot take the place of an active, thoughtful, creative approach to our ethical responsibilities
Ethics, Dilemmas & Decisions

• Ethics are standards used by members of a profession or group to determine the right course of action in a situation

• Ethical dilemmas & decisions involve choosing which course of action is best in this situation
  – The more risk, the harder to do what is right (even when we know it is right)

• No matter what course of action is taken, some ethical principle is compromised

• No perfect solution
Informed Thinking

• Finding the relevant ethics codes, legal standards, policies, procedures, and research doesn't tell us the most ethical approach to a specific situation, but they will guide us.

• Finding the information does not mark end of the process, but rather the beginning of informed thinking about the specific case.
Ethical Challenges in Clinical Care

• Difficult important clinical decisions often involve ethical issues
• Two competing standards may appear equally appropriate
• The way to comply with ethical standards may not be easy or readily apparent
• In certain cases, we may need to **construct or create a solution** instead of looking up the enforceable standards in our ethics codes
Analysis of Difficult Cases

- What is this case of, what is at issue and where is the conflict?
- What do we know about other cases like this one and is there a clear precedent?
- How is present case similar and different to a paradigm/model case?
- “If I engage in this action will it be in my client’s best interest?”
- Asking questions helps the clinician to think clearly about what is at issue and identify best course of action available to them
Why Worry About Ethics and Boundaries?

Because we will “get it wrong” if we do not think about the issues ahead of time
We Intend to Do the Right Thing

• Issue is NOT malevolence or bad intentions
• Problem is unintended consequences
• Confusion over ethical and boundary issues
• Dilemmas or conflicts between competing goods
• “Right things to do” often confuses legal, policy, and ethical issues
• Community-based, recovery-focused programming complicates ethics & boundary issues compared to traditional inpatient/outpatient treatment
Vulnerable to Justifications

• We are conscientious, caring professionals committed to ethical behavior, but...
• We get tired, afraid, under pressure or in conflict
• We can lose perspective, get confused or angry
• Rationalization and thinking errors can fool us by making something unethical seem ethical
• None of us is infallible so we are vulnerable to justifying our behaviors
Justify Behavior as Ethical

• It’s ethical as long as no one complains about it
• It’s ethical if supervisor says it’s okay
• It’s ethical as long as we can say
  – “Anyone else” would have done the same thing
  – “It came from the heart (or gut)”
  – “I just knew that’s what the client needed”
• It's ethical if we could not (or did not) anticipate the unintended consequences of our acts
How We Think and Make Decisions

- Rapid → Intuitive
- Automatic/autopilot
- Emotional

**How we *should* think to make decisions**

- Slow down to make good ethical decision
- Avoid “all or nothing” thinking
- Be aware of cognitive barriers and biases
- Outcome may feel ambiguous or uncertain
What to Do to Counteract Errors

• Remember making any decision reduces anxiety, but not always best decision
  – Taking first half-decent solution as way to move on to the next task
• Be aware too much or too little emotion may interfere with ethical decision-making
• Generate lots of alternatives to ethical dilemma to avoid overconfidence and oversimplification
• Allow time for self-reflection
Self-Awareness/Self-Reflection

• How do our own needs/issues contribute to these situations?
• Do we integrate colleagues into this process or isolate ourselves professionally attempting to work through these issues on our own?
• Do we actively reach out to and use our co-workers to assist us in promoting highest possible standards of ethical conduct and practice?
• Ethical practice is a team activity
Beware of Common Ethical Traps

• Objectivity trap: over-identifying or over-invested with affected client, family, program etc.
• Value trap: clinician’s values about who should be served
• Circumstantialities trap: the belief this is a unique circumstance (e.g., magnitude of the crisis, lack of resources and support services, etc.) so traditional values and practices do not need to be followed
Pay Attention to Career Risk Points

- Recent graduate, inexperienced with ethics and boundaries, new to functioning independently,
- Mid-age when personal/professional goals not panned out, divorce/family problems
- Older therapists have come to see themselves as “evolved” beyond questioning or as having earned some sort of “senior pass” giving the freedom to do things their own way
We plan from the mountain, but work in the swamp

In presentations like this, everything is clear and pristine and it is obvious what to do and what is right. But when we are with consumers we descend into the swamp where it is hard to see where paths lay and what direction we are really following. Yet it is in the swamp where we do our work.
Ethical Decision Making/EDM

- Ethical dilemmas = function of two competing principles needs ethical decision-making model
  - Need to distinguish ethical decision-making from when there is clinical, legal and risk management overlap
- Most professional codes don’t provide a EDM model or strategies
- Which EDM model you use isn’t as important as having one when facing ethical choices
Practical Application: 
Ethical Decision-Making Model
Recognize an Ethical Issue

• Most critical step is to recognize the problem
  – State the ethical issue or question
  – Identify the competing values and principles
  – What makes it an ethical problem?
• If the decisions at hand are a simple matter of right and wrong, no process of ethical decision making is required
• Is it a legal or technical decision, complaint or performance issue?
• Is this your/my decision to make?
Identify All of the Stakeholders

• Client (focus on primary stakeholder first)
• Family/friends, natural supports
• Involved mental health professionals
• You, your agency or hospital
• Legal systems
• Community/public safety
• Empathy: which alternative will cause greatest good or least harm to stakeholder/s?
• Perspective-taking: Try to see things through the eyes of those affected individuals
Good Ethics Start with Good Facts

• “She took a bunch of pills”
  – How many, what kind, in front of whom, context

• “He threatened to shoot himself with a gun”
  – Did he have a gun? Was it loaded? Who did he make the threat to? In what context? What happened next?

• “He became violent”
  – What did he do, describe behaviors? Was anyone hurt? How did it start, how did it end?
Gather Facts/Define Ethical Issues

• Review the available, relevant information
  – Don’t jump to conclusions or proceed without facts
  – Clarify any assumptions you are making

• Ask who, what, when, where, why & how questions

• Facts may be difficult to find because some facts not immediately available

• Test for right vs. right values = ethical dilemmas
  – Short term benefits vs. long term consequences
  – Client autonomy vs. beneficence or nonmalfeasance

• What ethical guidelines are relevant to this situation
Identify the ethical, legal, policy and clinical issues guiding this decision

• Ethical Issues: two good or right core values are in conflict with one another?

• Legal Issues: what laws and liabilities apply?

• Agency Policy: what are my agencies processes/policies and values that apply?

• What do I feel is clinically best for the client?
Use the Rule of “3”

• Try to discuss difficult decisions with at least 3 colleagues, supervisors, advisors, experts
• View process/outcome for blind spots, biases, self interest
• Ethics in behavioral health is a “team activity”
• Involving colleagues does not guarantee ethically correct decisions, but being unwilling or uncomfortable to involve colleagues suggests a problem with the decision
Brainstorm/Evaluate Options

• Look for applicable precedents and outcomes

• How do the actions measure up against moral principles and values?

• Evaluate options:
  – Which will produce most good and do least harm?
  – Which best respects rights of all who have a stake?
  – Which option leads me to act as the professional I want to be?

• Which option best addresses situation?

• Is there a compromise or third way?
Test Options

- **Outcomes**: Is it harmful? More beneficial outcome than other alternatives?
- **Transparency**: Would you or agency be concerned if decision appeared as top story in news?
- **Rationality**: Could you present rational explanation of decision to others, colleagues, supervisors?
- **Switching places**: How would I feel if someone did this to me?
- **Values**: Is decision consistent with my organization’s values and mission? Justice/fairness?
- **Authority**: What does/would the organization’s ethics officer or legal counsel say about this decision?
Clinical Hat and Ethical Compass

• Clinicians should keep their clinical hat on while focusing on their ethical compass
  – Clinical hat = err on side of responsibility to care for the client
  – Ethical compass = what is the right thing in the context of the current situation

• Lose your “ethical bearings”?
  – Internal and external pressures from other departments, agencies or professions
  – Farther you are from your “clinical home-base,” the easier it can be to lose your ethical bearings
Be Aware of What Gets in the Way

• We are not sure what the “right thing” is
• Easier to think about how it will go right than how it will go wrong
• Thinking it through - too hard, too long, too complex
• Often we are getting some benefit when not doing right thing (whether we wish to acknowledge it or not)
• Causes problems with co-workers and even supervisors and other stakeholders
• Making decision and following through (deciding does not always lead to doing) takes moral courage
Monitor Outcome and Document

• Identify what lesson(s) have been learned for the future (adjust moral compass?)
  – Did outcome reflect your intention/motivation?
• What, if anything, could be done differently the next time a similar situation arises
• Ask is there a way to implement this so that it has the effect of making this problem less likely to occur in the future?
• Document as appropriate for future reference
• Live with and learn from your decision
EDM At A Glance

• Gather facts and clarify assumptions
• Define ethical basis of issue you want to focus on
• Identify primary and secondary stakeholders
• Consider potential positive/negative consequences for affected parties by the decision
• What are the magnitude and probability of consequences happening?
• Think creatively about potential actions-don’t get forced into corner
• Decide on your course of action and prepare responses for those opposed to your position
Key Takeaways

• Learn statutes, case law, regulations and rules
• Know your discipline’s ethics codes
• Know your organization’s practices and policies
• Recognize when there is potential for ethical dilemma (and who is responsible for it)
• Don’t neglect the basic principles of clinical care
• Use consultation and supervision
• Document reasons for your decision
• Use self-awareness + self care strategies to build good ethics and healthy boundaries