



Meeting Ethical Challenges in EA Practice

Presented to
Employee Assistance Society of North America
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Jeff Christie, LCSW, CEAP





Opening question

- Is an act of omission that leads to harm as unethical as an act of commission that leads to the same degree of harm?



Objectives:

- To educate clinicians on the role and significance of ethics in professional practice
- To clarify the theoretical underpinnings of ethics
- To raise awareness of contemporary ethical dilemmas and their implications on practice
- To demonstrate one ethical decision-making model
- To outline the various recourses available to address perceived ethical violations



The Role of Doubt

Appreciate doubt. Doubt allows us to rethink our assumptions. When people become too confident of their beliefs, they stop asking questions, stop reflecting. Their minds become closed.

Unquestioned beliefs soon become dogma, and dogma has too often been the foundation for man's inhumanity to man.

Saul Alinsky



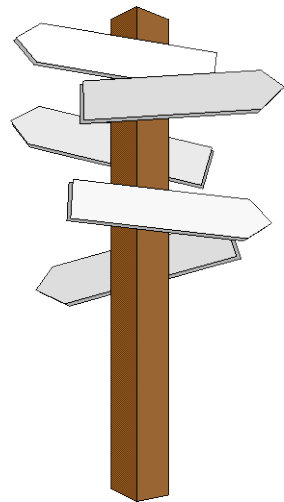
Ethics: what it is and what it's not

What it is not:

- not about law
- not about policy
- not a set of lofty principles
noble in theory but impossible
to practice

Ethics: Definitions

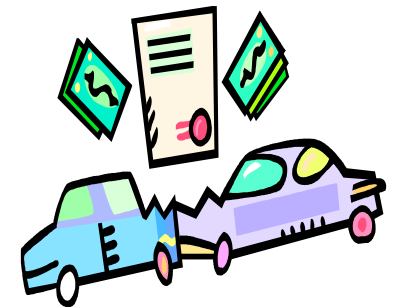
- Ethics: the study of the nature of morals and moral reasoning
- Two levels of moral reasoning:
 - The everyday intuitive
 - The reflective, critical level
- Normative ethics: sets norms or standards of ethics or conduct in a particular setting or profession



Ethics: Definitions

Ethics is to morals what musicology is to music.

An ethical *dilemma* is the collision of two moral values (noble vs. noble or noble vs. ignoble) where benefit or harm to another may result



Ethical Codes: Definitions

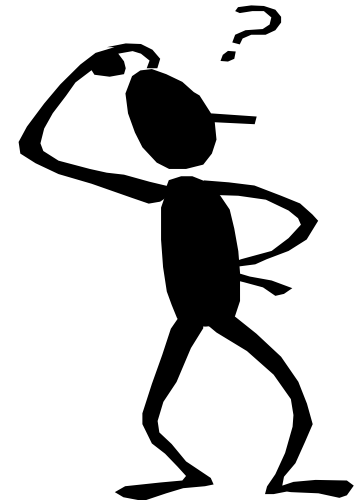
- Can be viewed as a set of principles toward which one aspires (high road),
or
- Can be viewed as a set of proscriptions whose only function is to keep one out of trouble (low road)



"Don't worry about doing the right thing. They'll be plenty of time for that when you're fired, retired, or reincarnated."

Ethics: Challenges

- Disagreement on ideals
- Disagreement on definitions and facts
- Disagreement on appropriate behaviors (application)
- Ex: Terry Schiavo case



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Ethics vs. Law

“Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then?...It is not desirable to cultivate a respect for the law, so much as for the right.”

Henry David Thoreau



Critical Distinctions

- Law vs. Ethics
- Conduct vs. Internalized Principles
- Compliance vs. Integrity



The Issue of Motive

- Does motive matter? If I give to the poor only to impress my friends am I nonetheless putting food in their mouths?
- What do I derive from being a counselor?



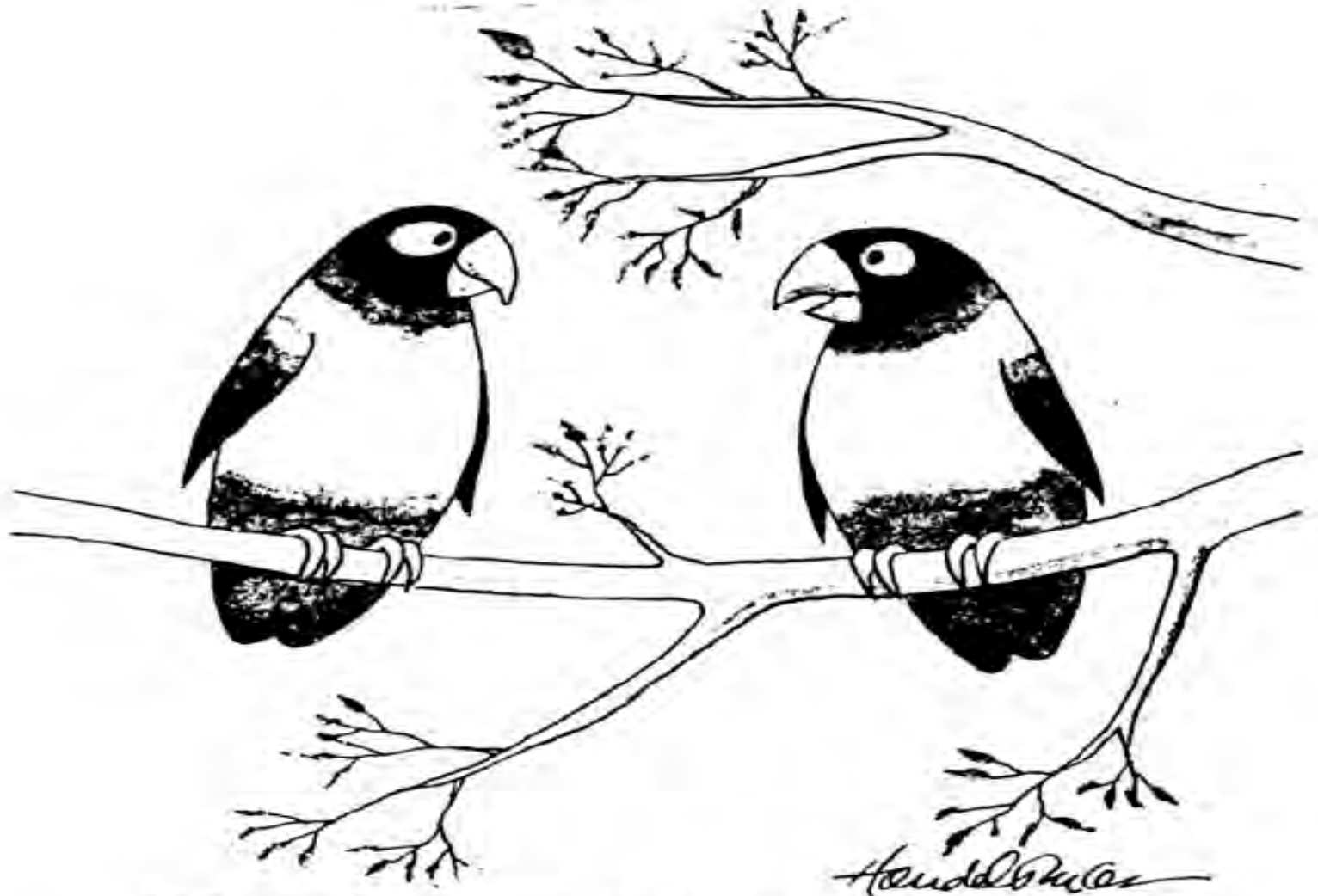
Ethics: what it *is*

Ethics:

- The discipline concerned with what is morally right or wrong

Ethical Dilemma:

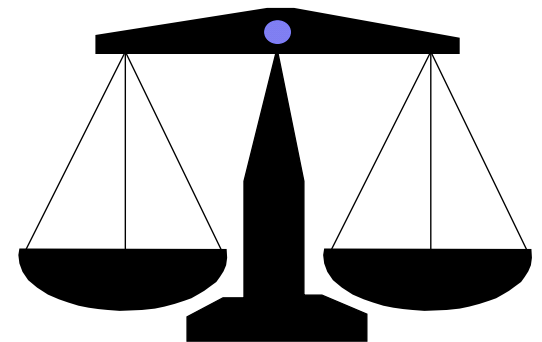
- A conflict between two moral values
- based on *choice* rather than mandate
- based on the facts of the situation at-hand
- leading to and requiring a decision



*"Of course I love you—I'm programmed to love you.
I'm a goddam lovebird."*

Ethics: Theoretical Branches

- Deontological Theories: judge actions according to whether they comply with a “universal” or absolute rule (Kantian)
- Teleological theories: judge actions by their consequences (consequentialist)





Ethics: Theoretical Branches

Kantian Ethics:

- based upon the ideas of Immanuel Kant
- argued for the existence of universal values that superceded human consideration (categorical imperatives)
- emphasized the concept of duty



Ethics: Theoretical Branches

Consequentialist Ethics:

- claims that rightness or wrongness of actions depends on their consequences
- utilitarianism: whatever produces the greatest overall amount of good
- Proponents: John Stuart Mill, Jeremy Bentham



Critical Attributes

- Based on choice
- Universality: an ethical principle cannot be justified in relation to any special group or individual
- Even utilitarianism would require finding the greatest good for the greatest number in *all* situations.

Dilbert



Systems E-mail: SCOTT@AOL.COM



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Which Way Do You Lean?

- Two tests:
 - The ugly sweater case
 - The attic case

Ethics: Theoretical Branches

Questions:

- Can you identify a clinical ethic that appears universal (i.e., absolute)?
- Can you identify a clinical ethic whose adherence is determined by its probable consequences?



Ethics: Medical Ethics

- Hippocratic Oath (Do no harm)
- Each medical specialty faces specific ethical issues
- Clinical practice is affected by those in:
 - Mental health
 - Chemical dependency
 - Managed care/disability management
 - Business



Stitches

LORD... GET US THROUGH THIS MEDICARE FRAUD INVESTIGATION, AND WE'LL NEVER OVERCHARGE AGAIN!



WE'LL BE GOOD!
WE'LL BE MORAL!
WE'LL KEEP OUR PROFITS DOWN...



HUGH LYON SACK
HMO ADMINISTRATOR

I SEE NO REASON PROFITS CAN'T BE KEPT DOWN TO... OH ... SAY... 50%...



9/2

HOW'S THAT SOUND TO YOU, LORD? IF THAT'S OK WITH THE STOCKHOLDERS, IS THAT OK WITH YOU?



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Ethics: Mental Health

Some Mental Health
Ethics:

- confidentiality
- informed consent
- client self-determination



Ethics: Business

Some Business Ethics:

- no fraud
- no kickbacks or bribes
- no personal gain beyond overt compensation
- No false advertising of title or capabilities

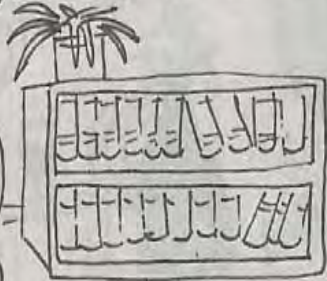


GETTING
INSURANCE
TO
PAY FOR
THERAPY

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SO YOU'VE BEEN FEELING BLUE FOR A WHILE?
LET'S BILL IT AS "CHRONIC HYPOTHERMIA."





Reflections: Question 1

- We can operate professionally on both “micro” (the individual client) and “macro” (laws, policies, practices) levels.
- Do I have an ethical responsibility to operate on the macro level to attempt larger scale change?



Reflections: Question 2

- Is an act of omission that leads to harm as unethical as an act of commission that leads to the same degree of harm?

Possible Recourses

Professional Association:

- **Purpose:** sets standards of organizational practice; attracts appropriate membership; represents and advocates for the profession; espouses a code of ethics for its members
- **Examples:** NASW, EAPA, SHRM, NAADAC, APA, ACA
- **Disciplinary Impact:** none beyond cancellation of membership

Possible Recourses

Certification Body:

- **Purpose:** establishes criteria of qualification to claim a professional title or level of expertise; sets standards of individual practice within a profession;
- **Examples:** ACSW, EACC, HRCI
- **Disciplinary Impact:** can revoke an individual's certification, which may have implications for employment

Possible Recourses

State Licensing Board:

- **Purpose:** generally, protects the public welfare by preventing the advancement of unqualified or unscrupulous individuals working within a profession
- **Examples:** State Departments of Health; State Departments of HHSs
- **Disciplinary Impact:** can impose consequences ranging from reprimand to revocation of license. Will often have employment implications as to the individual's ability to work in that profession in that state



So How Do I Sort this Out?

Decision-Making Models