

# Ethics in Action

Andrew Marks, LMSW  
BSW Program Coordinator  
Clinical Lecturer

# Workshop Objectives

- Participants in this workshop will be able to:
  1. Gain knowledge about social work values and common ethical issues associated with internships;
  2. Identify ethical decision-making models, and;
  3. Address ethical dilemmas with social work interns during supervision.

# What Does Ethics Mean?

- Ethics is defined as relating to moral, treating of moral questions, or the rules of conduct. Moral is defined as concerned with character or disposition or the distinction between right and wrong.
- Ethics and morality are interchangeable terms. Thus, what is ethical is moral and what is unethical is immoral.
- It is not a question of the act being legal or illegal but whether the act is good or evil. A legal act may not necessarily be a morally good act.

# Ethics Theory

- *Virtue Ethics*: Individual Character, Work Character, Professional Character
- *Deontological Ethics*: Negative and Positive Rights, Social Contract, Social Justice
- *Teleological Ethics*: Ethical Egoism, Utilitarianism,
- *System Development Ethics*: Personal Growth, Organizational Ethics, Extra-Organizational Ethics

# Values

- Ethics is about the assessment and evaluation of values, because all of life is value laden.
- Values are the ideas and beliefs that influence and direct choices and actions
- Whether they are right or wrong, good or bad, values, both consciously, and unconsciously mobilize and guide how we make decisions and the kinds of decisions we make.

# Common Ethical Issues in Field

- Malpractice
- Confidentiality
- Dual Relationships
- Boundary Violations
- Record Keeping

# Malpractice

- *Standard of care in the profession*--ordinary, reasonable, and prudent professional
- *Malpractice* in social work usually is the result of the practitioner's active violation of a client's rights (in legal terms, acts of commission, misfeasance or malfeasance) or the practitioner's failure to perform certain duties (acts of omission or nonfeasance).
- *Occurs when*
  - at the time of the alleged malpractice, a legal duty existed between the practitioner and the client
  - the practitioner was derelict in that duty, either through an action that occurred or through an omission
  - the client suffered some harm or injury
  - the harm or injury was directly and proximately caused by the professionals dereliction of duty

# Confidentiality & Privacy

- *Privacy* refers to the right to noninterference in individuals' thoughts, knowledge, acts, associations and property.
- *Confidentiality* refers to the professional norm that information shared by or pertaining to clients will not be shared with third parties.
- *Confidentiality* rights arise when individuals entrust others with private information, usually because of a "vital need to share. It requires the explicit or implicit mutual understanding that this second individual will use it only for the first individual's need, and not make it available to a third party without the first person's consent." (clients holds the privilege)
- *Privilege* refers to the disclosure of confidential information in court proceedings

# Is There a Duty to Warn?

- Courts across the U.S. have established that, in certain situations, health care providers are negligent if they fail to use reasonable care to protect third persons from potential harm and may be liable for injuries to third parties.
- Only 15 states have a duty to warn; Texas is not one of them.
- *Tarasoff v. The University of California at Berkley Board of Regents (1976)*
- *Redmond v. Jaffee-The U.S. Supreme Court*

# Ethics: Special Cases

- Federal law provides for the confidentiality of records of the identity, diagnosis or treatment of any patient in any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation or research which is conducted, regulated, or directly or indirectly assisted by any department or agency of the U.S.
- Records may be disclosed with the prior written consent of the patient, but only as allowed under federal regulations.

# What is a Subpoena

- Mandate, lawfully issued in the name of a court, compelling the attendance of an individual witness and/or the production of documents or things to the court.
- A subpoena is used to assist in the discovery of evidence.
- Discovery is the process of gathering information to prepare for trial and to ensure that all relevant information is available to all parties.

# Dual Relationships

- Boundary Issues occur when social workers face “conflicts of interest” in the form of what has become known as dual or multiple relationships
- A dual relationship occurs when the social worker assumes a second role with the client, in addition to “helper”
- Can be social, personal, business or sexual

# Boundary Violations

- Boundaries are the limits that allow for a safe connection based on client's needs.
- When these limits are altered, what is allowed in the relationship becomes ambiguous.
- Such ambiguity is often experienced as an intrusion into the sphere of safety.
- The pain from a violation is frequently delayed, and the violation itself may not be recognized or felt until harmful consequences emerge.
- Boundary violations are the acts that breach the core intent of the professional-client association.
- They occur when professionals exploit the relationship to meet personal needs rather than client needs.
- Boundaries in a professional-client relationship exist in order to protect the core intent of the relationship.
- Since boundary violations are disguised and hidden under the auspices of the professional-client relationship, they are difficult to discern.
- The ingredients that comprise the boundary violation are buried underground or often invisible.

# Example of Boundary Violations

- ***Reversal of Roles:*** the professional and the client switch places and the client becomes the caretaker. The professional structures the relationship according to their needs not those of the client. Having reversed, the professional looks to the client for gratification.
- ***The Secret:*** critical knowledge or behavior is kept from the client, colleagues, family/friends
- ***The Double Bind:*** the client is caught in a conflict of interest. Any direction the professional moves is potentially hazardous. Any attempt to resolve the dilemma places the client at risk for a loss of some kind. Consequently, the range of plausible options for handling the difficulty is severely limited and the client feels unable to over come the impasse.
- ***The Indulgence of Personal Privilege:*** in every boundary violation, there is a fit between the professional's need and the client's vulnerability. The coupling produces the opportunity for the professional to act on their indulgence and to take advantage of the client or situation.

# Record Keeping

- All professionals must maintain written documentation of their interactions with their clients.
- Records are your protection.
- Many private practitioners are quite sloppy with record keeping for fear of client or outside access.
- You need to document anything necessary to justify:
- A rationale for your diagnosis and treatment.
- To satisfy the requirements of third party payers & to meet other contractual obligations.
- To explain how you handled high risk situations

# Record Keeping, continued

- If a client questions something in their file as long as it meets one of the previous criteria, it needs to remain in the file.
- If it is not needed for one of those purposes, it should not be in the file.
- Do not alter files just because a client is worried about how they are represented by the content.
- If the patients contest the accuracy of a factual statement you can amend through subsequent notes.
- If you were under the wrong assumption that information needs to be in the file.
- If there is a major dispute regarding content allows the client to place a memo in the file or you can summarize their dissent from your statements and have them sign off on the summary.

# An Ethical Decision-Making Guideline

## **1. Be alert & sensitive to morally charged situations**

- Determine whether there is an ethical issue
- Am I being faithful to institutional and professional roles?
- Am I living up to the trust relationships I have with others?

## **2. Process your emotional response to the situation**

- What are my personal values?
- Are they compatible with the profession's values? With societal values?
- What are my ethical priorities when these value sets are not identical?

# Ethical Guideline, cont.

## 3. Collect Information-*Clinical issues*

- Who is the client? What is their history?
- What obligations do I owe my client?
- Is the problem acute? Chronic? Critical?
- What are the probabilities of success?
- What are the plans in case of therapeutic failure?
- What opinions, preferences has the client expressed?
- Has the client been informed of the benefits & risks?
- Is the client mentally capable & legally competent?
- Is the client cooperative?
- Is the client's right to be involved and choose being respected to the extent possible in ethics and law?
- Family/cultural/religious issues that might influence treatment decisions?
- Are there legal implications?
- Do I have professional obligations to people other than my client? family? agency? profession?

# Ethical Guidelines, cont.

## 4. Identify the key principles involved:

- *Bioethics Model\**
  - Autonomy
  - Non-malfeasance
  - Beneficence
  - Justice
  - Fidelity
- *Rank the values or ethical principles which are most relevant to the issue or dilemma*
- *\*Principles of Biomedical Ethics (1989), Beauchamp & Childress,*

# Ethical Principles Screen\*

**#1 - Protection of Life**

**#2 - Equality and Inequality**

**#3 - Autonomy & Freedom**

**#4 - Least Harm**

**#5 - Quality of Life**

**#6 - Privacy and Confidentiality**

**#7 - Truthfulness and Full disclosure**

\*Ethical Decisions for Social Work Practice,  
Loewenbert & Dolgoff (1992)

# Ethical Guidelines, cont.

- *Gewirth & Reamer\**
- 1) Basic goods take precedence over other goods
- 2) Individual well-being of others takes precedence over my personal freedom
- 3) An individual's freedom takes precedence over that individual's own well-being
- 4) The obligation to obey laws & rules freely consented to normally takes precedence over individual freedom
- 5) The basic well-being of persons takes precedence over laws, rules, and regulations
- 6) The obligation to prevent basic harm and promote public good takes precedence over property rights.

\*Reason and Morality (1978), Gewirth & Ethical Dilemmas in Social Service (1990), Reamer.

# Ethical Guidelines, cont.

## 5. Define the problem

- Use the relevant ethical codes
- Institutional policies
- Legal precedents
- Identify the conflicting principles
- Consider using a case conference, a consultation, an ethics committee

## 6. Develop an action plan

- Specify feasible alternatives
- Find the best consequences overall
- What are the consequences both good/bad for yourself, your profession, organization, clients, other affected persons?

# Ethical Guidelines, Cont.

## 7. Analyze your choice

- Is the plan defensible within the ethical code?
- Is the plan in the client's best interests?
- Is it done without self seeking purposes?
- Are you setting a good example?
- What would a virtuous person - one with integrity and experience do in these circumstances?

# Ethical Guidelines, cont.

## 8. Implement your plan

- Utilize the most appropriate practice skills and competencies
- Have a realistic understanding of the consequences of your action
- Act, but only with a willingness to pay any adverse consequences of breach of law, ethics, or rules

## 9. Reflect on the outcome

- Remember that you are not aiming at the “perfect” choice or plan, but the most reasonable and defensible choice under the circumstances.
- How would you evaluate the consequences for all involved parties?