Ethical Decision-Making In Rehabilitation Counseling

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Inquiry-Based Questions

- What are some ethical issues in rehabilitation?
- What are 5 ethical principles?
- What is an ethical dilemma?
- Why are professional codes of ethics inadequate for ethical decision-making?
- How can an ethical decision-making model be applied in rehabilitation?
- What are differences between informed consent and informed choice?
Deontology

(Kant 1724-1804)

- Act according to Duties & Rights
- Intrinsic Worth & Dignity
- Respect people – feed, clothe, care
- Never use people to achieve goals or consequences
- Moral Imperative – Actions/rules are right if Universalized without violating equality of people
Deontology

- Belief in Sanctity of Life (Golden Rule)
- Abide by Natural Law – nature takes its course
- Protect personal rights – self-determination
- Justice – equal liberty, opportunity for all, difference principle benefits all
- Nonmaleficence precedes Beneficence
- Perfect Duty – Obligated to act upon Universal Rules & Principles
Deontology

- Always tell the truth
- Sterilization & Abortion - Not supported
Utilitarianism
(John S. Mill -1806-1873 & Jeremy Bentham 1748-1832)

- Acts are good/evil because of consequences
- Ends justifies means
- Actions are right if ↑ Happiness, pleasure, absence of pain
- Actions are wrong if ↑ Unhappiness, pain, deprive pleasure
Utilitarianism

- Promote Greatest Good for Greatest Number
- Morally just to use people for research, acquire knowledge
- Withhold treatment from those who benefit society less than others due to scarce resources
- Sterilize persons w/ MR for socio-economic reasons
- Require abortion if parent’s incompetent
Auschwitz—“Work Makes One Free”
Human Experimentation-WWII & Informed Consent

- High-Altitude
- Freezing
- Malaria
- Wounds – bacteria, gangrene, tetanus, mustard gas
- Bone, Muscle, Nerve Transplants
- Sea Water
Human Experimentation-WWII

- Infectious Jaundice
- Sterilization – surgery, x-ray, drugs
- Typhus, Cholera, Diphtheria
- Poison – food, bullets
- Phosphorus burns
- Skeletal anatomy
Auschwitz – Door to Gas Chamber
Informed Consent

- Legal concept – Nuremberg Trials
- Expressing or implying agreement, approval, or compliance of something done or proposed
Informed Consent Defined

- Outcome of decision-making & procedure of disclosing adequate & sufficient information
- Client understands nature & consequences of what is being agreed upon
- Decision is voluntary
- Client approves of treatment verbally and/or in writing, recording
3 Required Elements of Consent

- **Capacity** – ability to acquire or remember knowledge, to do something, perform an act

- **Information** – what & how it is communicated, designed to be fully understood, Burden of proof on professional seeking consent

- **Voluntariness** – free power of choice without coercion, duress, fraud
Functions of Consent

- Promote autonomy & protect person
- Avoid fraud & duress
- Encourage professional scrutiny
- Promote rational decision-making
- Involve public review
Disclosure Is Not Required

- An emergency
- Patient does not want to be informed
- If procedure is simple & danger remote
- Physician deems it is not in patient’s best interests
Informed Choice — Rehabilitation Act
Amendments 1992 & 1998

- Outcome of Decision-making process
- Relevant & Adequate information
- Employment outcome, goals, objectives
- VR services, costs, duration
- Service providers & qualifications
- Settings in which services are provided
- Methods to obtain services
Informed Choice

- Use appropriate modes of communication
- Prepare, Secure, Retain, Regain Work
- Aware of right to make informed choice
- Understand and exercise right
Story of Tarasoff (1969)

- Clear threat of harm
- Serious danger
- Specific victim
- Imminent danger
- Take reasonable care to protect intended victim / Not a duty to warn public officials, family/others
Examples of Reasonable Care in Tarasoff

- Involuntary commitment
- Warn relatives, victim
- Call police
- Document & why
- Follow-up on choices
Confidentiality

Not disclosing client information without client’s consent unless there are compelling professional reasons
Exceptions to Breaking Confidences

- Emergency
- Patient is incompetent/incapacitated
- Protect third parties
- When required by law (Child Abuse, STD’s)
- Requesting commitment or hospitalization of mentally ill patient
Five Ethical Principles

- Beneficence - doing good, promote growth & well-being
- Autonomy – respect client’s choices
- Nonmaleficence – avoid/prevent harm
- Justice – fair, equitable allocation of resources, time
- Fidelity- faithfulness, loyalty, honesty, keeping promises, abide by laws/rules, policy
Conflicting Case Management Actions > Ethical Dilemmas
Ethical Dilemma

- Two courses of action
- Each course has significant consequences/duties
- Each course supported by one or more ethical principles
- Principles supporting the unchosen course of action are compromised
Ethical Dilemmas in Medicine

- Withholding/withdrawing life-sustaining treatment vs. Providing treatment
- Truth-telling vs. Withholding truth
- Allocating scarce resources vs. Denying
- Protecting public vs. Client confidentiality
- Control vs. Placebo groups
Ethical Dilemmas in Rehabilitation Counseling and Independent Living

N = RC’s 659 & ILSP’s 107

- Wong (1989)
- Survey of 38 ethical dilemmas
- 406 RC’s and 39 ILSP’s in Regions 5 & 8
- How often dilemmas were encountered?
- How important to receive staff training?
- 38 ethical dilemmas were encountered
- Staff Training was important
- Ethics training developed for RC’s and ILSP’s
Examples of Ethical Dilemmas in Rehabilitation

- Supporting a client’s selection of a vocational objective conflicts with Guiding a client toward a more realistic vocational objective

- A v B or N
Ethical Dilemma # 2

- Providing support for a type of training requested by the client conflicts with Supporting training recommended in the client’s evaluation report
- A v B
Ethical Dilemma # 3

- Rehabilitating an SSDI client into competitive work conflicts with Maximizing the client’s financial security
- B v N
Ethical Dilemma # 4

- Providing for the rehabilitation needs of one or more severely disabled clients conflicts with providing for the rehabilitation needs of other severely disabled clients competing for services
- B v J
- N v J
Code of Professional Ethics for Rehabilitation Counselors

- Committed to persons with disabilities
- Facilitate personal, social, economic, and independence of persons with disabilities
- Spirit of Caring & Respect
- Five ethical principles
- Promote public welfare specifying ethical behavior expected of RC’s
Sections of the Code

- Counseling relationship
- Confidentiality
- Advocacy & Accessibility
- Professional responsibility
- Relationships with other professionals
- Evaluation, Assessment, Interpretation
Sections of the Code

- Teaching, Training, Supervision
- Research & Publication
- Electronic Communication & Emerging Applications
- Business Practices
- Resolving Ethical Issues
Codes of Ethics

- Inadequate
- Conflict
- Ambiguous
- May not apply
- Need an Ethical Decision-Making Model
Ethical Decision-Making Model

- Review case & Determine the two courses of action
- List significant reasons for supporting each course of action (C/D)
- Identify ethical principles supporting each course of action
- Describe the ethical principles compromised
- Justify chosen course of action
Discussion

- Apply the ethical decision-making model
- Questions & Answers
- Closing
- Granny Test
- 60 Minutes
Questions…

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