Ethical Decision Making in Counseling: Applied Participatory Ethics

Andrew Nay, PhD, CRC, CDMS
Allison Levine, MS.Ed., CRC,
Connie Sung, PhD., CRC, LLPC

MICHIGAN STATE
U N I V E R S I T Y

Part I: Ethical Decision Making (EDM) in Counseling: Basic Principles, Applications, and Client Involvement

Andrew Nay, PhD., CRC, CDMS

Part II: Applied Participatory Ethics: Illustrate the Application of Applied Participatory Ethics to Issues of Suicide in Rehabilitation Practice

Allison Levine, MS.Ed., CRC,

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2

Agenda

o Fundamental Questions Regarding EDM

o General Framework for EDM

o EDM Process in Clinical Counseling

o Client Involvement in the the EDM Process – Applied Participatory Ethics

o Illustrate the Application of Applied Participatory Ethics to Issues of Suicide in Rehabilitation Practice

What are Ethics?

▸ Ethics is the study of and resolution of conflicting principles (Medicine).

▸ Ethics are the set of moral principles that guide a person's behavior (Business).

▸ Ethics is a branch of philosophy that seeks to understand and to determine how human actions can be judged as right or wrong (Education).

▸ Ethics are generally regarded as the standards that govern the conduct of a person or "human reflecting self-consciously on the act of being a moral being" (Counseling).

▸ At its simplest, ethics is a system of moral principles

Examples of Where Ethics May Come From?

▸ Religion or religious societal beliefs

▸ Human conscience and intuition

▸ A moral cost-benefit analysis of actions and their effects

▸ The example of good human beings

▸ A desire for the best for people in each unique situation

5

The Prevalence of Ethical Conflict

Copyright 2004 by Randy Glasbergen.
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"We need to form a conflict-resolution team to settle the dispute over who should be chosen for our conflict-resolution team."

The Prevalence of Ethical Conflict: Important Questions

- How prepared are mental health and rehabilitation counselors to resolve ethical conflict?

- What is your philosophical basis for making ethical judgments or decisions?

- What is your style of dealing with conflict?

- What type of model do you subscribe to when presented with ethical dilemmas?

Five Questions that Impact Ethical Decision Making

1. What benefit(s) and/or what harm(s) will each course of action produce?

2. What are the ethical rights of each party or stakeholder?

3. Which course of action promotes equality or equal treatment (i.e., fairness), except where there is a ethically justifiable reason not to (i.e., justice)?

Five Questions that Impact Ethical Decision Making

4. Which course of action advances the common good?

5. Which course of action develops or supports ethical principles within the context of clinical counseling (e.g., professional identity, client empowerment…, more???)

Primary Values Impacting EDM

o   Respect human rights and dignity;
o   Ensure the integrity of all professional relationships;
o   Act to alleviate personal distress and suffering;
o   Enhance the quality of professional knowledge and its application to increase professional and personal effectiveness;
o   Appreciate the diversity of human experience and culture;
o   Advocate for the fair and adequate provision of services.

(CRC Code of Ethics, 2016)

Six Principles Of Ethical Behavior Impacting EDM

- Autonomy: To respect the rights of the client to be self-governing within their social and cultural framework.
- Beneficence: To do good to others; to promote the well-being of clients.
- Fidelity: To be faithful; to keep promises and honor the trust placed in rehabilitation counselors.
- Justice: To be fair in the treatment of all clients; to provide appropriate services to all.
- Nonmaleficence: To do no harm to others.
- Veracity: To be honest.

(CRC Code of Ethics, 2016)

Autonomy

▸" Every human being of adult years and sound mind has a right to determine what shall be done with his own body."

▸The ethical tenant or principal of <u>autonomy</u> is impacted by both **competence** and **capacity** of the client to make informed decisions.

▸Who is able to deem a client or patient competent?

▸Who determines that a client or patient has the capacity to make informed decisions?

Autonomy

‣In 1990 the *Patient Self Determination Act* was passed by the United States (US) Congress, stating that **competent people** could make their wishes known regarding what they wanted in their end of life experience, when they were **possibly not comp**etent.

‣Also included in this Act is the durable power of attorney, which designates a **competent person** to assist in making end-of-life decisions when the individual **was no longer competent.**
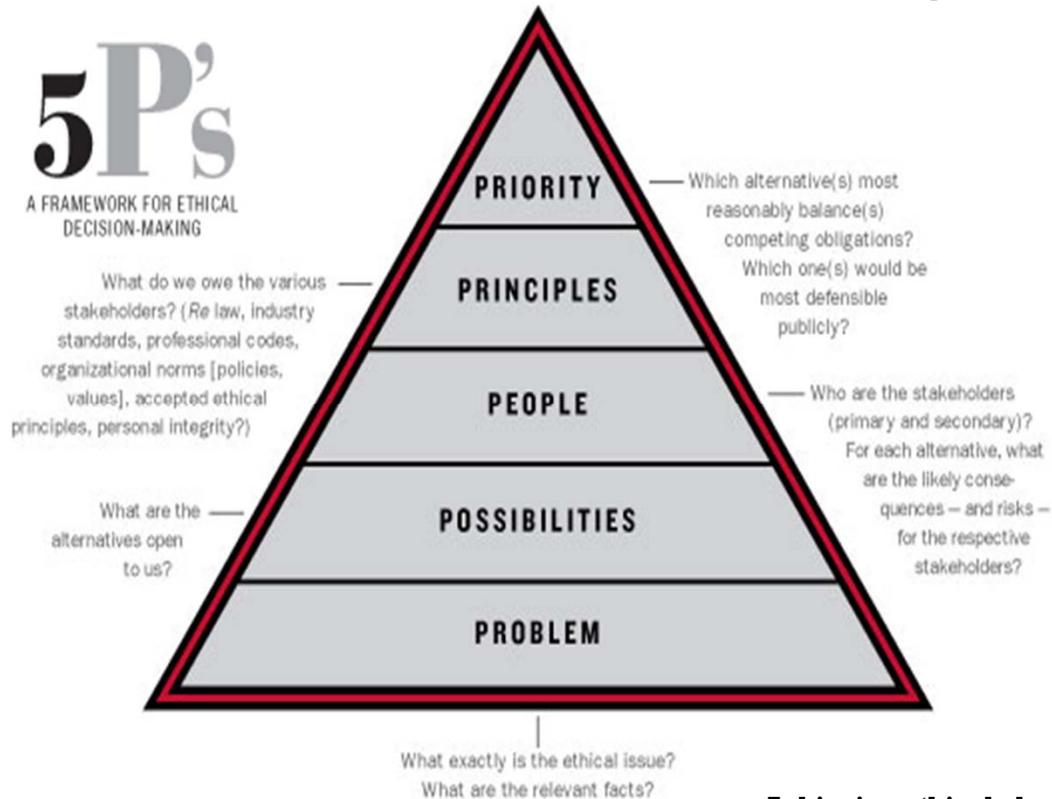
Sources: Beauchamp, T. L., & Childress, J. F. (2009). Principles of biomedical ethics (6th ed., pp. 38-39). New York, NY: Oxford University Press. & American Bar Association. Health care advance directives. Retrieved from http://www.abanet.org/publiced/practical/patient_self_determination_act.htm

Which EDM Model do I Use?

General Framework for Ethical Decision-Making

5P's

A FRAMEWORK FOR ETHICAL DECISION-MAKING

PRIORITY — Which alternative(s) most reasonably balance(s) competing obligations? Which one(s) would be most defensible publicly?

PRINCIPLES — What do we owe the various stakeholders? (Re law, industry standards, professional codes, organizational norms [policies, values], accepted ethical principles, personal integrity?)

PEOPLE — Who are the stakeholders (primary and secondary)? For each alternative, what are the likely consequences — and risks — for the respective stakeholders?

POSSIBILITIES — What are the alternatives open to us?

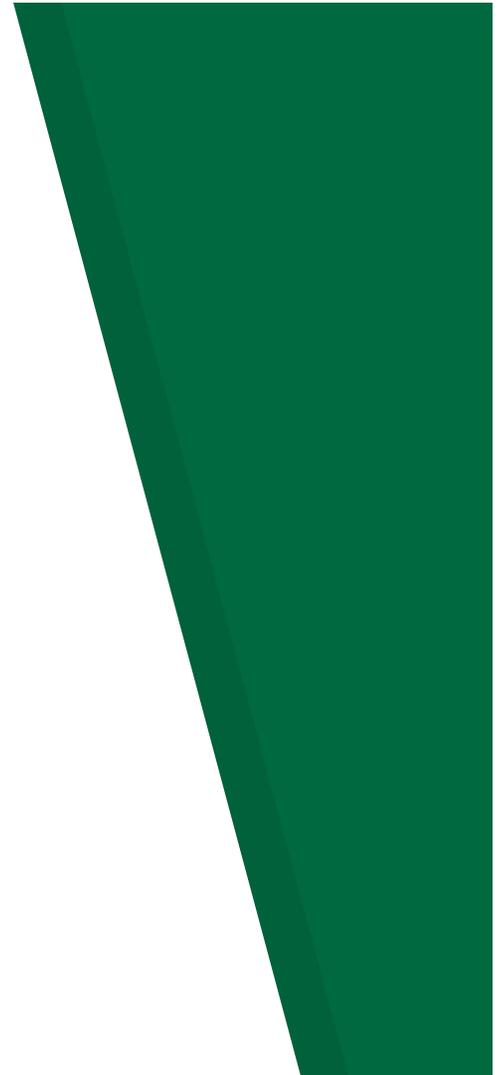PROBLEM — What exactly is the ethical issue? What are the relevant facts?

Achieving ethical clarity through dialogue
By Dana Radcliffe (2006)

15

General Ethical Decision-Making Model

Tarvydas (1998) & Corey et. al (2007)

1. Recognizing problem and interpret situation

2. Review problem or dilemma, and define the problem(s) (collaboration with client is essential at this stage)

3. Determine standards that apply to dilemma (if applicable) and develop solutions (with client)

4. Generate possible and probable courses of action
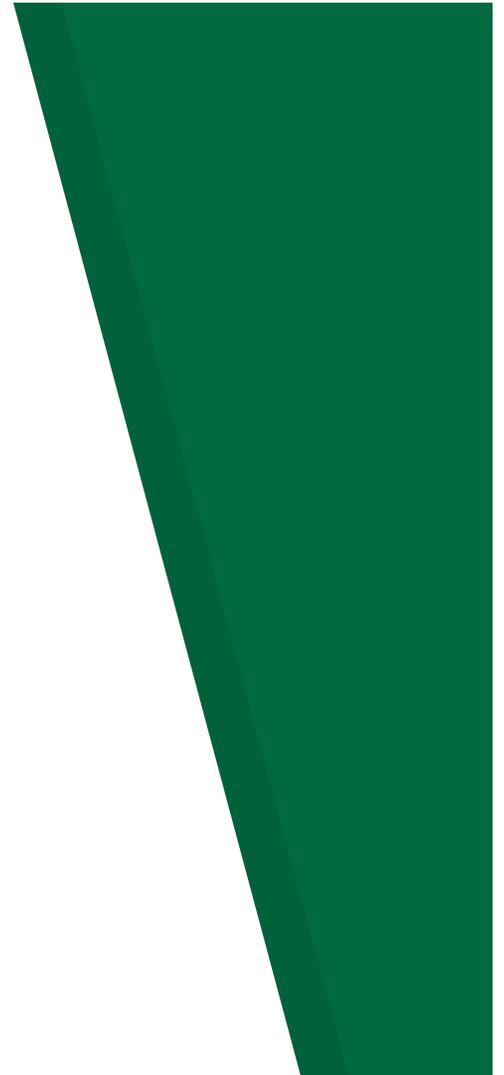
General Ethical Decision-Making Model

Tarvydas (1998) & Corey et. al (2007)

5. Consider consequences for each course of action

6. Consult with supervisor or peers

7. Choosing a solution

8. Plan and execute that selected action

9. Evaluate course of action

   What if I need help interpreting a situation or in making a decision?

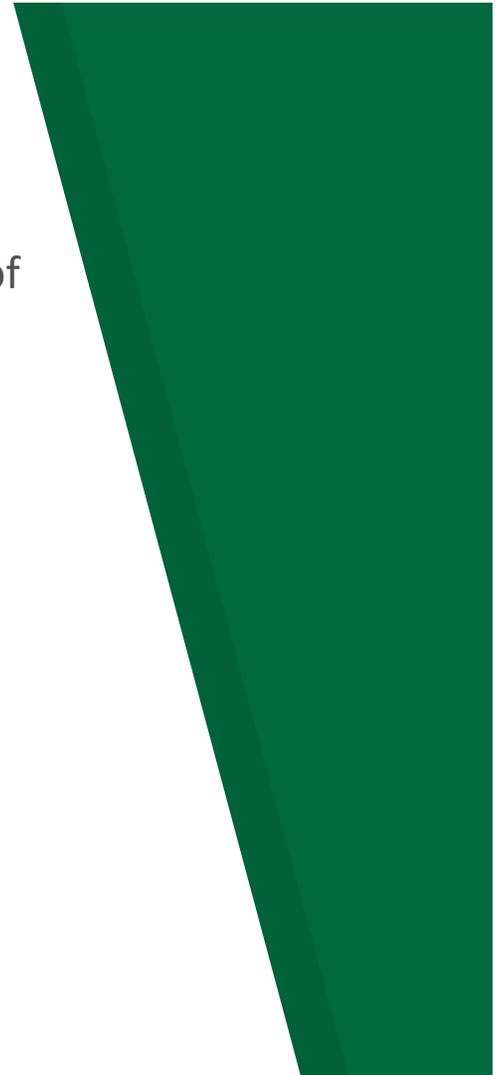## Ethical Decision Making: Consultation within the Profession

NASW Members:

o The Office of Ethics and Professional Review (OEPR) provides individual ethics consultations as a benefit of NASW membership.

o Consultation services are intended to guide members through the applicable standards in the Code along with other pertinent considerations and resources that address their concerns and allows them to make reasoned ethical decisions.

o While we can discuss ethical issues, **we cannot provide definitive answers** for a particular situation or make decisions for members.

o http://www.socialworkers.org/nasw/ethics/consultation.asp

Ethical Decision Making: Consultation within the Profession

o **Certified Rehabilitation Counselors:**

o The CRCC Ethics Committee provides advisory opinions on select situations having ethical implications.

o CRCC's Ethics Committee routinely responds to requests for advisory opinions related to the application of CRC/CCRC Code of Ethics.

o CRCC advisory opinions should be regarded only as general educational assistance, and not as specific direction in any particular instance.

o https://www.crccertification.com/filebin/pdf/AdvisoryOpinions_2017-03.pdf

Client Involvement in EDM

o How much of the EDM process typically involves the client of counseling service(s)?

  o Primary or Secondary Participants?
  o Individual (internal) vs Collective Deliberation?
  o Formal vs Informal Processes?

o Are there sufficient avenues or mechanisms available to the client for EDM involvement?

o More recent infusion of Social Justice concept into EDM modeling.

Part II: Applied Participatory Ethics:
Illustrate the Application of Applied
Participatory Ethics to Issues of Suicide in
Rehabilitation Practice

Allison Levine, MS.Ed., CRC
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Participatory Ethics: An Overview

1. **ETHICAL DECISION MAKING MODEL**
   - Combines the ideal of client-counselor collaboration embodied in the notion of the therapeutic alliance with actual ethical problem-solving behaviors exhibited by counselors

2. **PARTICIPATORY APPROACH**
   - Restrictive vs. Participatory: Involve client as stakeholders in ethical decision-making model

   (Prilleltensky, Rossiter, & Walsh-Bowers, 1996)

Participatory Ethics: An Overview

3. **APPLIED PARTICIPATORY ETHICS**

    Two levels of orientation toward applied professional ethics from Prilleltensky et al's work

    +

    The assumption that behaviors maybe seen as existing along a continuum between fully restrictive and fully participatory
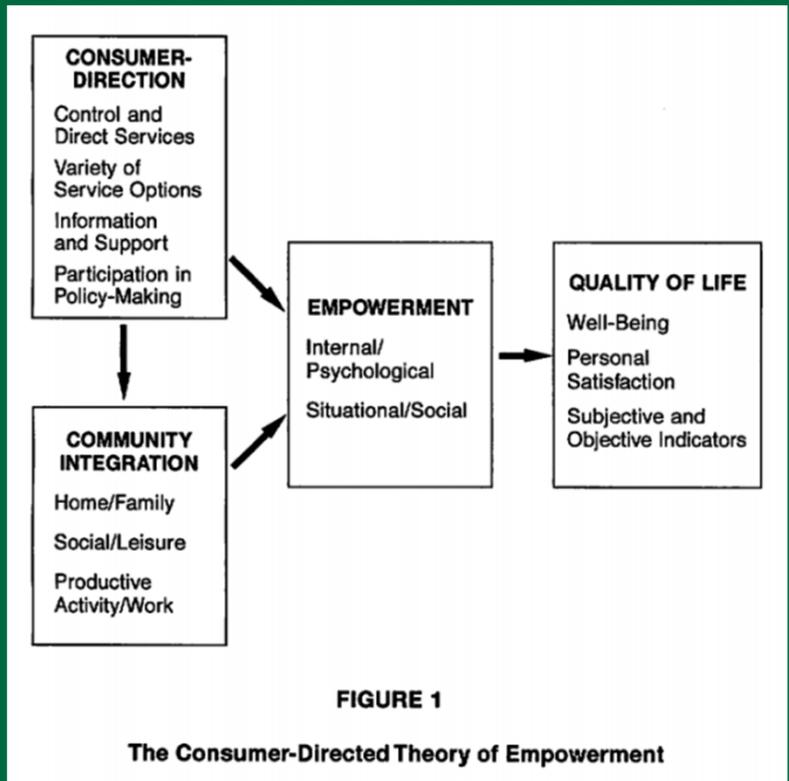
    (Tarvydas, Vazquez-Ramos, & Estrada-Hernandez, 2015)

WORKING ALLIANCE

APPLIED
PARTICIPATORY
ETHICS

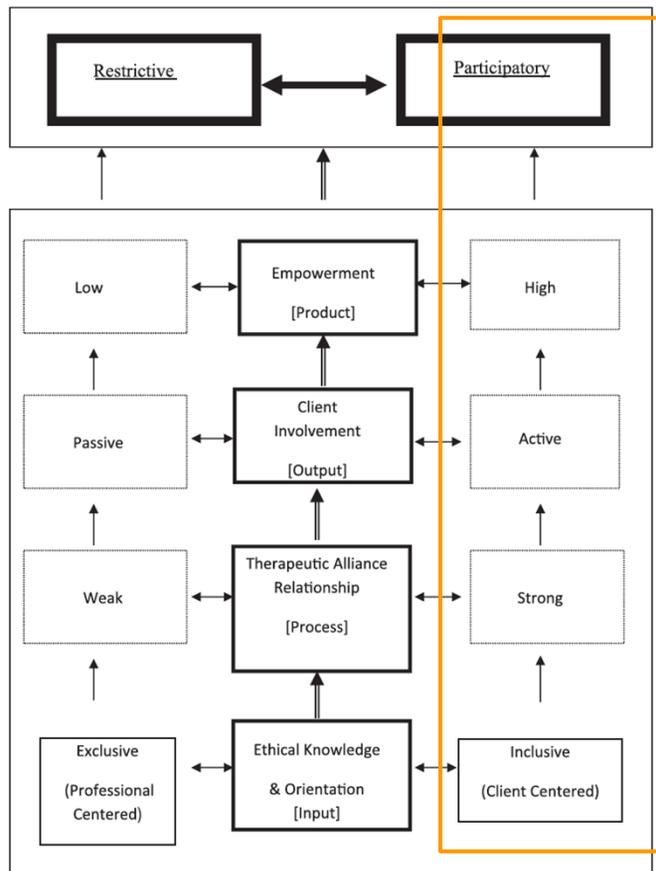CONSUMER-
DIRECTED THEORY
OF EMPOWERMENT
(CDTE)

CONSUMER-DIRECTED THEORY OF EMPOWERMENT (CDTE)

o "...increased CD (consumer direction) in disability policy formulation and rehabilitation service delivery will lead to increased community integration, empowerment, and QOL among people with disabilities"
(Kosciulek, 1999, p.198)

FIGURE 1

The Consumer-Directed Theory of Empowerment

ACTION-ORIENTED MODEL OF PARTICIPATORY ETHICS
(Tarvydas, Vazquez-Ramos, & Estrada-Hernandez, 2015)

Ethical Knowledge & Orientation

Therapeutic Alliance Relationship

Client Involvement

Empowerment

Case Example

Client
- 42 years-old
- Male
- White, non-Hispanic
- History of occupational knee arthroplasty

History
- On disability since knee surgery
- Lives with wife & 2 children
- Past alcohol, tobacco, and illicit drug use
- Spent 3 months in medical rehab, transitioned from opioids to ibuprofen

Presenting Problem
- One month into general counseling, discloses that he takes wife's OxyContin when needed
- Appears unfocused, lethargic and withdrawn
- After 20 minutes, he informs you that he's not feeling well and gets up to leave

PRACTICE OF ETHICAL ANALYSIS: Using PES

o **CONSIDER…**

o What is the level to which the client is involved in a non-harmful and meaningful ethical discourse related to the service in which he/she participates in?

o Is the client involved in a therapeutic alliance that is inclusively driven by using a client-centered approach?

o How to ensure that the client has adequate decision-making skills, not just the right to decide?

o How to involve the client in joint goal setting and decision-making?

Ethical Knowledge & Orientation

Therapeutic Alliance

Client Involvement

Client Empowerment

IMPLEMENTING CDTE STRATEGIES:
Protecting without Disempowering

PRINCIPLES
1) Participants with disabilities are experts on their individual needs,

2) Choice and control can be introduced into any setting,

3) Consumer direction should be available to all persons with disabilities.

ACTIONS
1) Use age-appropriate language,

2) Assume competence and self-awareness on the part of participants

CAUTIONS
1) Participatory models do not necessarily dictate equal distribution of power

2) Balance competing interests of protection and self-determination

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