The Ethics of Informed Choice Part II

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Focus

- Discuss implications to consider when serving/assisting clients/consumers.
- Review case examples of ethical dilemmas in practice.
“Golden Five + 1”

Van Hoose (1986) recommended that all counseling practitioners use five principles to guide their ethical practice:

- **Autonomy**: To promote self-determination.
- **Nonmaleficence**: To avoid doing harm.
- **Beneficence**: To promote the well-being of others and the client.
- **Justice**: To be fair and equitable to others.
- **Fidelity**: To make realistic commitments and keep promises.

- **Veracity**: To be truthful and deal honestly with clients.

Herlify & Corey, 1996, p. 4-5

Corey & Corey (2014).
Informed Consent

- Closely related to “due process”.

- It requires that the client/consumer is provided detailed information which would allow them to make the best deliberate choice about the services, treatment, testing, etc. they might participate in.

- Information regarding potential risks, consequences, reporting, duration of treatment services should be provided.

- It is important to note that while written informed consent is the norm, consent should also be discussed verbally with the client/consumer.
Informed Consent Includes:

- A thorough informed consent exchange should include:
  - Nature of the service offered;
  - The role of the counselor in the relationship;
  - Limits on the counselor’s ability to serve in an advocacy role;
  - Limits on confidentiality;
  - Any agency policy about disclosure information;
  - Duty to warn requirements;
Informed Consent Includes:

- A thorough informed consent exchange should include:
  - The counselor’s role (if any) in determining eligibility benefits;
  - Information regarding reporting results;
  - Any applicable HIPAA disclosures;
  - Potential negative consequences from information disclosed by the client;
  - Potential negative consequences for failure to disclose;
Informed Consent Includes:

- A thorough informed consent exchange should include:
  - Appeal rights within the agency;
  - Any professional disclosures (counselor’s background/scope of practice), and;
  - Information to notify the consumer of their right to contact certification and/or licensing boards.

(CRCC, 2006)
Capacity for Informed Consent

- Client/consumer ability to make informed decisions.
- Client/consumer ability to understand information.
- Client/consumer ability to voluntarily consent and understands ability to withdraw.
Case Study I: Consent with Minors

A 14-year-old walks up to Therapist K who is a transition counselor at his high school. Therapist K meets the client who indicates many personal and family problems, extreme challenges with focus and attention in the classroom and includes comments about severe physical abuse at home. Client asks therapist not to discuss the case with anyone, especially his parents. Therapist explains his options with client, states that he cannot offer treatment to anyone under the age of 18 without parental consent, and expresses his duty to report suspected child abuse to Child Protective Services. Client feels betrayed.
Case Study I

- Is there an ethical issue here?

- What ethical principles are at play?

- What could Therapist K have done differently?
Case Study II: Consent with Impairment

Nancy Hargrave had a history of paranoid schizophrenia and many admissions to the State Hospital. At a time of emotional stability, Ms. Hargrave completed an advance directive through a durable power of attorney (DPOA) designating a substitute decision maker if she again became psychotic and incompetent by reason of psychosis and she chose to reject “any and all anti-psychotic, neuroleptic, psychotropic, or psychoactive medications” upon any future involuntary commitment. She is now seeking employment, and demonstrating some symptoms, but maintains that she will not take any medications to address the manifestation of her symptoms.
Case Study II

- Is there an ethical issue here?

- What ethical principles are at play?

- How might you address this issue through informed consent?
Informed Consent Best Practices

- Plan for potential clients/consumers with limited English proficiency.

- Offer to read the document to all clients/consumers.
  - It is the explanation of what the document says that is important. The purpose of the consent form is to document what information has been disclosed to the subject and that the subject's consent was obtained.

- Give the client/consumer adequate time to read the document.

- Verify and document that the potential research subject has understood the document through use of the “teach-back method”.
Informed Consent Best Practices

Teach-Back: Part 1

- “I want to make sure we have the same understanding about this our work together. Can you tell me what we’ll be doing in your own words?”
- “It’s my job to explain things clearly. To make sure I did this I would like to hear your understanding of what our work together will look like.”

Teach-Back: Part 2

- Make sure that the potential research subject has understood all the important elements of consent.
- “Tell me in your own words about our services and what will happen if you agree to work with me.”
- “What do you expect to gain by working with me?”

Teach-Back: Part 3

- Correct any misinformation until clients/consumers indicate that they have understood by correctly answering your questions. Make clear that the need to repeat is due to the complexity of the material rather than the "fault"
Take Away Points

- The purpose of informed consent is essentially to honor one of our core ethical principles – autonomy. We want to uphold our clients/consumers legal rights to be informed about all aspects of their service so that they are able to:
  - Deliberately decide whether or not they want services from our agency.
  - Participate fully in client-centered planning and intervention.
  - Make educated decisions about services that will serve them best.

- To fully meet your ethical obligation, you may need to reword or verbally cover the consent to check for true understanding from the client/consumer.
Thank you!