The Ethics of Informed Choice

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Focus

- Provide a review of the foundational ethical principles.

- Provide a detailed overview of *informed consent* as an ethical duty.

- Explore ethical practices (according to CORE ethical standards) needed to insure informed choice and consent; and

- Discuss implications to consider when serving/assisting clients/consumers.
“A long habit of not thinking a thing wrong gives it a superficial appearance of being right.”

Thomas Paine
Why Teach Ethics? (Malaski & Tarvydas, 2011)

Four Goals of Applied Ethics Training:

- Developing ethical sensitivity toward issues they may encounter & consequences of their actions,
- Improving reasoning abilities when conflicts arise,
- Developing moral responsibility & ego strength, and
- Teaching tolerance of ambiguity.
“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.

Herlify & Corey, 1996, p. 4-5

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

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.
Proper Disclosure Case Study

Kathy has been assisting Phillip in developing a home-based business in antique brokering. Initially Kathy felt the business to be more of a hobby than a business and for the first year Phillip barely broke even. Kathy believed the activity was very important to Phillip’s emotional well-being and that earnings were secondary to his improved mental state. Kathy told Phillip that he would not have to be concerned about losing the SSDI payments he had been receiving. Phillip’s earnings increased dramatically in the second year, in substantial part due to the acquisition of a valuable art piece found at a garage sale. Kathy closed Phillip’s case, reporting his annual salary as reflected by the current year’s income in the case file.

The State VR Agencies routinely send the Social Security earnings records from closed cases for reimbursement purposes. This information is considered “common use” and is shared without further consent requirements. When Phillip’s earning information was reviewed by Social Security his disability benefits were terminated based on his recent income.
Thanks, but I can't accept that gift. I was just doing my job.

No, I'm sorry. I'm not supposed to disclose customer information.

Of course I can't let you see someone else's bid.

I don't have an example. I wasn't faced with any ethical situations.
Ethical Dilemmas

- Choice between two courses of action.
- Significant potential consequences for taking either course of action.
- Both courses can be supported by ethical principles.
- Choosing either course will compromise an ethical principle.
Case Study:

You are a rehabilitation case worker at an Assisted Living facility for individuals with Alzheimer’s and Dementia. Your client Alma recently experienced a severe stroke, which impacted her memory, cognitive ability to process and understand information; along with aphasia. Her daughter Janice, has assumed Medical Power of Attorney to monitor her care.

Following a recent appointment with the physician, it was discovered that Alma has stage 2 lung cancer. After speaking with the doctor, you informed Janice. Janice is adamant that Alma not be told.

What are some possible ethical conflicts that exist here?
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.

- Some consumers may need additional information related to protected health information. You should review HIPAA at http://www.hhs.gov/ocr/privacy/index.html
Thank you!