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Ethical Decision Making

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Disclosure

Shelley Victor is a member of SIG 11: Administration and Supervision. She teaches a doctoral level research course in ethics at Rocky Mountain University; Provo, UT and teaches ethics to master's level graduate students at Nova Southeastern University, Ft. Lauderdale, FL.

Outcomes

Define ethical principles including autonomy, nonmaleficence, beneficence and justice.

Describe how to apply the ASHA Code of Ethics to ethical issues in practice settings.

Explain application of systematic ethical decision-making models to hypothetical cases involving current practical issues.

What is ethics?

Right and wrong

We are responsible for our actions

Roots for ethics and morality

- Ethos or mor means customs or habits

Includes decision-making processes

(Johnson, 2012; Panza & Potthast, 2010)

Changes in Code of Ethics (2016)

Intra- and interprofessional collaboration
Comply with local, state, and federal laws and regulations
Impaired practitioner
Patient abandonment
Disclosure
Reporting members of other professions
Self-reporting

Ethics and the Law

Can something be illegal but not unethical
◦ Speeding and taking sick person to the hospital
◦ Stealing for the poor
Can something be legal but unethical?
◦ Lying is not illegal, breaking a promise
Are all laws ethical?

Principles of biomedical ethics

Autonomy

From Greek- autos (self) nomos (rule)
deciding for oneself

Given information you should be able to
decide

Free from others' control

Confidentiality and privacy stem from
autonomy

Autonomy trumps beneficence and
nonmaleficence

Autonomy of the professional and
autonomy of the client/patient

(Beauchamp & Childress, 2013)

Autonomy

Who has diminished capacity to make decisions?

Issues arise if patient is in a coma or incompetent

- patient should sign consent form, provide information for patients to make informed decisions

Inform parents and families about treatment outcomes

Role of clinician power in autonomy

Beneficence

To do good, do the right thing for the patient

Weigh pros and cons to produce the best result

Prevent harm or remove harm

- this becomes an obligation by engaging in your profession

Beneficence is complicated by autonomy –the clinician and patient may differ on what is considered good

- be honest about treatment outcomes

If I think it is good for you it may not be what you think is good for you

EBP- not enough time to find best intervention and is there enough research to make decisions

(Beauchamp & Childress, 2013)

Nonmaleficence

Do no harm

Need to disclose all risks

Primum non nocere

- included in Hippocratic Oath
- above all do no harm
- do not provide ineffective treatment
- stop treatments that are harmful
- moving resources from one group to another could be harmful
- abruptly discharging patients

Tudor study

(Beauchamp & Childress, 2013)

Justice

Scarcity of resources

Be fair

Patient with aphasia and dysphagia- which services should they receive

- can use the “rule of rescue”
- which one might they die from

Right to health care

- should health care be distributed by age

Example: during WWII penicillin was scarce

- used it for patients with venereal disease and not those who were wounded in battle
- the patients with venereal disease could go back to battle more quickly

Justice

Barrier to health care is lack of insurance

Is justice considered in the schools?

Telehealth- will this be an issue of justice- those who do not have the technology

(Beauchamp & Childress, 2013)

Professional Ethics

The profession is judged by a standard of conduct

Monitored by ASHA

Sets standards for the public to view

You may have your own values but you need to share the values of the group

- you agree to abide by the values of the group

Values and ethics

What is the value system of beginning SLP?

Does it match the values and ethics embodied in the Code of Ethics?

Values need to be adjusted to match professional culture.

(Ametrano, 2014)

Conflict between personal and professional values

Hierarchy

- Marginalized- moral sense is not well developed
- Separation strategy- well-developed moral sense but does not identify with values of the profession
- Assimilation – takes on values of the association but may discards some of one's own values
- Integration – adopts and retains

(Ametrano, 2014)

Role of emotions

Need to be acknowledged

Dilemmas may evoke competing emotions

May use the first emotional response in making a decision

People who are stressed may use their first response to a dilemma even if it is not the best

- need to avoid discomfort

(Rogerson, Gottlieb, Handelsman, Knapp, & Younggren, 2011)

Decision-making model by Kidder

Recognition that there is a problem

Gather facts – listen to all sides

Two ethical values may conflict

Apply ethical principle and rule

- Use stench test

Reflect on decision – use moral courage

(Kidder as cited in Johnson, 2012, p. 248)

Decision-making model by Lincoln Holmes

Moral awareness
Moral judgement
Moral intention
Moral action

(Lincoln & Holmes as cited in Johnson, 2012)

Compilation of decision-making models

Identify problem
Review ethical guidelines
Consult legal guidelines
Generate course of action
Consider consequences for each action
Balance risks and benefits
Ask peers for feedback
Evaluate course of action
Modify practice to avoid future problems

(Cottone, 2000, p. 279 table 1)

Nash's 12 questions about decision-making

Is the problem accurately defined?

How would you define it from the other side of the fence?

What was the impetus for the situation?

What is your intention in making this decision?

Could you disclose your decision without any qualms?

(Nash as cited in Johnson, 2012, pp. 256-257)

Decision-making model by Chabon and Morris

Is this an ethical dilemma?

- Consider the facts and key players

With clarity, state the dilemma.

Conduct analysis

- Course of action you can take
- What are the conflicts for each action?
- Course of action

Consider:

- Code of Ethics
- Self-interest
- Social roles

Does your proposed course of action lead to consensus

- Yes- go ahead
- No- reanalyze

(Chabon & Morris, 2004)

Also consider:

Internal variables-

- External locus of control
- Internal locus of control

Situational variables

- Job context- peer pressure
- Organization- manager may be under a deadline or financial goal
- Personal and family obligation
- Wild card- unpredictable changes in personal and family
 - Gambling debt, serious illness

(McDevitt, Giapponi, & Tromley, 2007)

Decision making

Frame the question correctly and not from your viewpoint

Do not use intuition which could be flawed because of your value system

First step- use “some” decision making model

Develop awareness of how you make decisions

Consider-

- Would you recommend your decision to a peer?
- Would you want your decision written on front page of newspaper?
- Would you want your mother to know?

Caughron Cottone

Case studies

What would you do?

Case study 1

After 3 years of clinical experience, you have recently been hired in a large urban hospital with a large rehabilitation staff.

These professionals meet weekly to review clinical cases. You feel that you would have nothing to contribute to the group so you tell the rehab director that you are too busy to meet.

Case study 2

You have owned a private practice for three years. Your very wealthy cousin has asked you to sail around the world with him for three months. You agree and send your 25 patients an email stating you will be back in 3 months

Case study 3

You work in a small regional hospital with a staff of two SLPs. You are one of the SLPs and your colleague, Sue, is the other SLP. On several occasions, you have smelled alcohol on Sue's breath and in some instances you have found her sleeping in her office. You have noticed that she fell while walking with her patient.

Shades of gray- 3A

You work in a small regional hospital with a staff of two SLPs. You are one of the SLPs and your daughter, Sue, is the other SLP. On several occasions, you have smelled alcohol on Sue's breath and in some instances you have found her sleeping in her office. You have noticed that she fell while walking with her patient.

Case study 4

You have worked for a rehab company for 10 years. Your company offers excellent benefits and now after 10 years you are vested in the company's pension plan. The company has decided to sell AAC devices to the patients and sends memos to the SLPs that they are expected to sell at least three devices per month. You do not want to lose your job and lose your pension so you sell three AAC devices per month but are not always sure the patient will benefit from the device.

Case study 5

You are the rehab director in a SNF. The main company had been sending you memos about your staff's productivity but recently congratulated you on the improved productivity. You are pleased that you hired Sam 3 months ago. His productivity far exceeds the 2 other SLPs which compensates for their lowered productivity. Mary is pregnant and has been tired the last 2 months and Susan has family problems.

Mary confides in you that Sam has been telling off color jokes about sex and is uncomfortable around him.

She wants to know what you will do.

(Higginson, 2012)

Case study 6

When you graduated in 2000, you decided to work for the school system and did not apply for the CCC. During this time in the schools, you were charged with false billing of Medicaid- you billed for sessions where no treatment occurred. A record of this is in your employee file. In 2016, you decide to obtain the CCC and as you complete the application you omit the information about Medicaid billing.

Case study 7

You are a private practitioner and own a large private practice where you hire SLPAs. You decide you want to take a 2-week vacation and ask the SLPA to manage your clients with swallowing disorders. The SLPA states that she does not have enough knowledge to work with these types of patients. You give her a 1980 text by Jeri Logemann on dysphagia and tell her she will be fine.

Ethical training

Read Code of Ethics

- Ask ASHA for clarification

Teach Code of Ethics in graduate school

Ensure employees know the Code

Develop ethical scenarios

Develop automaticity in responses

Develop ethical sensitivity

(Fehr, 2017)

Ethics training continued

Consider emotional aspect of ethics and decision making

Discuss ethical scenarios with interprofessional teams

Recognize early warning signs of ethical problems

How do we view an ethical dilemma-

- Threat
- Challenge

Discuss consequences

Perspective-taking

(Crowley, 2012; Johnson, 2012; Mumford, 2008)

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