

B
LIFE
O
DEATH
T
H
BIRTH
C
S

Professional Ethics: Our Obligations and Strategies for Success

Viki Kind, MA
kindethics@gmail.com
www.KindEthics.com
805-807-4474

Copyright 2018

1

Overview

- 4 Ethical Viewpoints – Which One is Right?
- Ethics Isn't for Wimps – Finding Moral Our Courage
- Who are the Stakeholders and What are Our Obligations to Them?
- Principles and Strategies for Situations Involving Fairness and Truth Telling
- Simple Tests to Determine “What’s the Right Thing to Do?”

Copyright 2018

2

Appreciation

- Big Thank You to Michael Josephson Institute and Character Counts
- www.CharacterCounts.org

Copyright 2018

3

Balancing Our Ethical Obligations

- Autonomy – right to self-determination
 - With capacity – ask the person directly
 - Without capacity – use previously stated wishes and values
- Beneficence – to benefit
- Non-maleficence – do no harm (physical and moral)
- Justice – fairness, various criteria can be used
- Veracity – truth telling, informed consent
- Fiduciary – acting in other person’s best interest
- Fidelity – promise keeping, trustworthiness, confidentiality
- Respect – dignity, cultural/religious variations
- Caring and compassion

Copyright 2018

4

Which of These Principles Are In The NGA Code of Ethics?

Copyright 2018

5

NGA Code of Ethics – A Guardian...

- Treats the person with **dignity**. (Standard 3)
- **Involves the person** to the greatest extent possible in all decision making. (Standard 9)
- Selects the option that places the **least restrictions** on the person’s freedom and rights. (Standard 8)
- Identifies and **advocates for the person’s goals, needs, and preferences**. (Standard 7)
- Maximizes the self-reliance and **independence of the person**. (Standard 9)

Copyright 2018

6

Continued ...

- Keeps **confidential** the affairs of the person. (Standard 11)
- Avoids **conflicts of interest** and self-dealing. (Standard 16)
- **Complies with all laws** and court orders. (Standard 2)
- Manages all **financial matters carefully**. (Standard 18)
- **Respects that the money and property** being managed belong to the person. (Standard 17)

Copyright 2018

7

So Which Standard or Ethical Principle Wins?

Copyright 2018

8

The Train is Coming ... Who Are You Going to Save?



Copyright 2018

Which Ethical Standard is Right?

- **Results based model** – What will the results/consequences/outcomes be if I ___?
- **Rule based model** – What are the duties/rules/laws that apply?
- **Virtue based model** – What kind of a person would I be if I do/don't do ___?
- **Rights based model** – What rights should be honored in this situation?

Best to use a combination of viewpoints

Copyright 2018

10

Our Ethical Point of View Interferes With What We Can and Can't See

The Communication Model

Sender → Receiver
Sender's Filter
Noise
Receiver's Filter
Receiver → Sender

Copyright 2018

11

1. **Knowing** What is Right
2. **Doing** What is Right

Copyright 2018

12

In 90% of the ethical problems you face you know what you *should* do.

The real question is whether you are willing to do the right thing when it is likely to cost you more than you want to pay.

Copyright 2018

13

Moral courage is mental strength: the power of will to resist pressures and hold onto important values even in the face of criticism, possible embarrassment, being unpopular, losing something that you want, or injuring a relationship or career.

— Michael Josephson

Copyright 2018

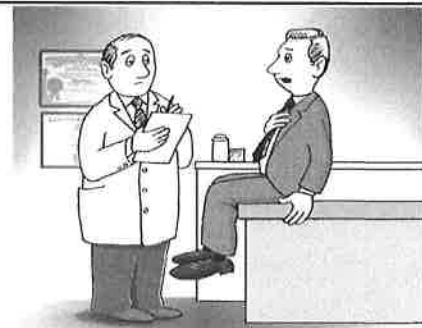
14

5 Motivations for Being Ethical

- **Moral obligation:** It is the right thing to do
- **Personal advantage:** The utility of virtue, it is good business
- **Approval:** Increase my self esteem, gain the respect and admiration of others
- **Religion:** Desire to please and serve God
- **Habit:** It is the way I was raised

Copyright 2018

15



Copyright © 2011 R.J. Riney www.fisecartoons.com

"I've been getting annoying pangs of conscience when faced with ethical dilemmas. Got anything for that?"

Copyright 2018

16

Watch Out for Excuses

Compliance does not equal ethics

It is legal – Responsible people often do less than they are allowed to do.

It's not my job – Responsible people often do more than they are required to do.

Copyright 2018

17

The Doctrine of Relative Filth

"I'm not so bad as long as other people are worse."

— Michael Josephson

Copyright 2018

18

When people are under extraordinary pressure to meet deadlines, attain short term goals, or focus totally on either profits or cost reduction/savings, all at the expense of relationships, quality, service, or safety, they are forced to make choices which are often destructive personally and to their organizations over the long run.

— Michael Josephson
Copyright 2018

19

Should I ... ?



20

Who are the Stakeholders?

Starts a long-term chain reaction

Each person who is affected by an action has a stake in that action and a moral claim on the person taking the action

Ask: *Who are the stakeholders? What are the values and perspective of each of the stakeholders?*

Copyright 2018

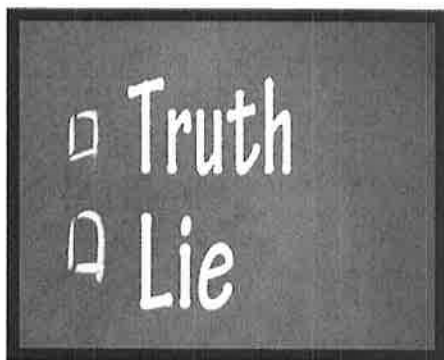
21

*“More harm has been done by weak persons than wicked persons. **The problems of the world are caused by the weakness of goodness rather than the strength of evil.**”*

— Harry S. Kennedy

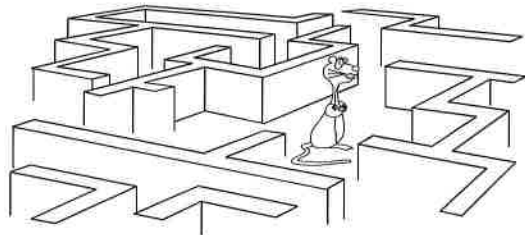
Copyright 2018

22



23

It is Disrespectful to Withhold Information Others Need to Control Their Own Destiny



Copyright 2018

24

In Relationships of Trust ...

- Exaggerations
- Promising what you cannot deliver
- Deliberate distortions
- Half truths or misleading statements
- Concealment of important facts

Are Lies

Copyright 2018

25

“How many times do you get to lie before you are a liar?”

— Michael Josephson

Copyright 2018

26

White lies often look very different from the perspective of the person lied to.

THE TEST:

Upon learning of the lie, would the person you lied to thank you for caring, or feel manipulated or betrayed?

Copyright 2018

27

Who Gets the Resources?



How Do You Decide Who Gets Your Time and Effort?

Copyright 2018

28

Why Do You Spend Longer With Some Clients Than Others?

- **Person A** has made the most progress. Your time is well spent helping her.
- **Person B** has significant disabilities which makes him more vulnerable to being taken advantage of by others.
- **Person C** is someone famous.
- **Person D** has been with you longer than any of your other clients.
- **Person E** is making a lot of effort to keep sober.

Copyright 2018

29

Six Theories of Substantive Fairness

1. Merit
2. Need
3. Might
4. Seniority
5. Effort
6. Equality

Copyright 2018

30

Even though the underlying concepts of fairness and justice are simple — almost intuitive — applying them in real life proves very difficult.

One Simple Rule

Oftentimes, we do not know what is truly fair

We do know what is unfair and our **first obligation is to avoid being unfair**

Asking Better and More Ethical Questions



Questions to Begin With ...

- What ethical principles are relevant?
- Who will benefit? Who will be harmed?
- What are each person's obligations or duties?
- What consequences do we need to consider?
- What rights might be involved?
- Are there laws, regulations, or policies that apply?
- When listening to the narrative, what perspective/s do you hear?

Four Boxes Bioethical Approach

- Jonsen (philosopher), Siegler (physician), Winslade (lawyer) approach to evaluating ethical dilemmas
- Guides conversation but not answers
 - Medical indications
 - Patient preferences
 - Quality of life
 - Contextual features

Albert Jonsen, Mark Siegler, & William Winslade's *Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine 7th Edition*. McGraw Hill, 2010

MEDICAL INDICATIONS	PATIENT PREFERENCES
<ol style="list-style-type: none"> 1. What is patient's medical problem? (history? diagnosis?) symptoms? 2. Is problem acute? chronic? recurrent? asymptomatic? 3. What are goals of treatment? 4. What are possibilities of success? 5. What are risks to success of therapeutic options? 6. To what, have you this problem be handled by yourself and nursing care, and home care? 	<ol style="list-style-type: none"> 1. What has the patient expressed about preferences for treatment? 2. Has patient been informed of benefits and risks, alternatives, and given consent? 3. Is patient mentally capable and freely competent? What is evidence of competency? 4. Has patient expressed prior preferences, via Advance Directives? 5. If incompetent, who is appropriate surrogate? Is surrogate using appropriate standard? 6. Is patient unwilling to accept the necessary medical treatment? If so, why? 7. Is there, in spite of the above being completed by as far as possible to obtain and use?
QUALITY OF LIFE	CONTEXTUAL FEATURES
<ol style="list-style-type: none"> 1. What are the prognosis, with or without treatment, for a return to patient's normal state? 2. Are there known (or likely) side-effects/risks of patient's quality of life? 3. What physical, mental, and social deficits to patient likely to experience if treatment successful? 4. If patient's present or future condition such that treatment risks might be judged unacceptable by them? 5. Any other and unknown to clinician treatment? 6. What other are medical and procedure cost? 	<ol style="list-style-type: none"> 1. Are there other known (or likely) factors influencing treatment decision? 2. Are there personal, professional and societal issues that might influence treatment decision? 3. Are there financial and economic factors? 4. Are there religious, cultural factors? 5. Is there any jurisdictional or research considerations? 6. Are there problems of allocation of resources? 7. What are legal implications of treatment decision? 8. Is ethical context of teaching involved? 9. Are previous or institutional studies of relevance?

RESOURCE GRID

<p style="text-align: center;"><u>MEDICAL INDICATIONS</u></p> <ol style="list-style-type: none"> 1. What is the patient's medical problem? History? Diagnosis? Prognosis? 2. Is the problem acute? Chronic? Critical? Emergent? Reversible? 3. What are the goals of the treatment(s)? 4. What are the probabilities of success? 5. What are the plans in case of therapeutic failure? 6. In summary, how can this patient be benefited by medical and nursing care and harm be avoided? 	<p style="text-align: center;"><u>PATIENT PREFERENCES</u></p> <ol style="list-style-type: none"> 1. What has the patient expressed about preferences for treatment? 2. Has the patient been informed of the benefits and the risks; understood and given consent? 3. Is the patient mentally capable and legally competent? What is the evidence of incapacity? 4. Has the patient expressed prior preferences, e.g., Advance Directives? 5. If incapacitated, who is the appropriate surrogate? Is the surrogate using appropriate standards? 6. Is the patient unwilling or unable to cooperate with the medical treatment? Is so, why? 7. In summary, is the patient's right to choose being respected to the extent possible in ethics and the law?
<p style="text-align: center;"><u>QUALITY OF LIFE</u></p> <ol style="list-style-type: none"> 1. What are the prospects, with or without treatment, for a return to the patient's normal life? 2. Are there biases that might prejudice a provider's evaluation of the patient's quality of life? 3. What physical, mental and social deficits is the patient likely to experience if the treatment succeeds? 4. Is the patient's present or future condition such that continued life might be judged undesirable by them? 5. Is there any plan and rationale to forego treatment? 6. What are the plans for comfort and palliative care? 	<p style="text-align: center;"><u>CONTEXTUAL FEATURES</u></p> <ol style="list-style-type: none"> 1. Are there family issues that might influence the treatment decisions? 2. Are there provider (physicians and nurses) issues that might influence treatment decisions? 3. Are there financial or economic factors? 4. Are there religious or cultural factors? 5. Is there any justification to breach confidentiality? 6. Are there any problems of allocation of resources? 7. What are the legal implications of treatment decisions? 8. Is there clinical research or teaching involved? 9. Is there any provider or institutional conflict of interest?

Jonsen, Albert; Siegler, Mark; Winslade, William
Clinical Ethics: A Practical Approach to Ethical Decisions in Clinical Medicine
 McGraw-Hill 2002, 5th Edition

Uncovering Values

- Why is this important to you?*
- What is important here that we need to look at?*
- What do you think lies at the heart of the matter?*
- What matters to you most in this situation?*
- What can you tell me that will help me understand the importance of this issue to you?*
- What is significant about this question for you?*
- What is at risk in this issue?*
- What worries you about this issue?*

Considering Stakeholders

- What do you think our duties and obligations are in this situation?*
- Who should we be concerned about as we make this decision? Why?*
- Who do you think will be affected by our decision?*
- What seems to be important to them?*
- What standards do you think they (name a stakeholder group) will use to judge the fairness/rightness/goodness of our decision?*
- What do you think the effects/consequences (intended and unintended) of our decision will be for others?*
- What criteria will our stakeholders use to evaluate our decision?*

Outcomes

- What would you like to see come out of this? Why?*
- What do you hope for?*
- What is most meaningful to you in the comments and ideas we have heard up to now?*
- When we look back on this decision one year from now, how will we know we did the right/best thing?*
- If your teenager asked why you made this decision, what would you say to her?*
- How would you explain the basis for the decision if the daily newspaper ran a front-page story on this issue, examining the decision you propose to make?*

Ethics and Principles

- How do we know that this is the right thing to do?*
- How do we know this is not the right thing to do?*
- What makes this an inappropriate way to proceed?*
- What standard(s) should we use to make a decision?*
- What criteria should we use to determine the best approach?*
- Why do you think this is a good decision?*
- Why don't you think this is a good decision?*
- What would you do if it were your decision? Why?*
- If _____ (a person you respect for her wisdom and integrity) were here and we asked for her perspective, what would she say to us?*

<p>Uncovering Values</p> <p>Why is this important to you? What is important here that we need to think off? What do you think lies at the heart of the matter? What matters to you about this situation? What can you tell me that will help me understand the importance of this issue to you? What is significant about this question for you? What is at stake in this case? What would you think the judge?</p> <p>Knowledge Application</p> <p>What do you think are likely and appropriate in this situation? What should we be concerned about in making this decision? Why? With do you think will be affected by our decision? What seems to be important to report? What should do you think the result? What other people will we be using the information to help us make our decision? What do you think the effect of your parents, friends and community will be on your decision? What criteria will your stakeholders use to evaluate our decision?</p>	<p>Discussion</p> <p>What would you like to see come out of this? Why? What do you hope for? What is most important to you in the community and what are you trying to do? When is a case back on this decision one year from now, how will we know we did the right thing? If your attorney asked if by you made this decision, what would you say to him? How would you explain the basis for the decision if the state newspaper saw a front page story on the case, including the decision you proposed to make? Ethics and Principles</p> <p>How do you know that this is the right thing to do? How do we know that it is the right thing to do? What makes certain inappropriate ways to proceed? What is unethical should we use to make a decision? What criteria should we use to determine the best outcome? Who do you think that is a good decision? Why don't you think that is a good decision? What would you like to see your attorney say? If you were the attorney, what would you say to your client and why? How would the case end?</p>
--	--

Platinum Rule © Dr. Tony Allesandra

- **Golden Rule:** Do unto others as *you* would want done unto you
- **Platinum Rule:** Do unto others as *they* would want to be done unto

Copyright 2018

Rule of Universality

- *Do only those acts which you are willing to allow to become universal standards of behavior applicable to all people in similar situations*
- Ask yourself, “If everyone did it, would it be a good thing?”

Copyright 2018


The Publicity Test

What would you do if you knew that your decision and the true reasons behind it would be reported on the 11:00 news or the story would go viral on the internet?

Copyright 2018

Kid Over the Shoulder Test

Would you do it if you knew your kid was looking over your shoulder?



Copyright 2018

The Role Model Test

When faced with a difficult decision, think of an ethical role model, someone whose integrity and courage merit admiration, and ask, what would that person do?

Copyright 2018