



Paradigm



Everyday Ethics

A framework for ethical decision-making
in Workers' Compensation

Speaker



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- Licensed Clinical Social Worker with over 25 years of medical social work and ER Triage experience.
- Received her Bachelor of Social Work from Georgia Southern University and her Masters in Social Work from Florida State University.
- Received her LCSW licensure 2 years post graduate work.
- Work experience includes over 15 years of medical-psychiatric services in a hospital setting working with acutely mentally ill and traumatic brain injured patients.
- Over 15 years administrative experience in a hospital setting serving as Director of Medical Psychiatric Services for a large hospital system.
- Moved into the Workers' Compensation arena over 18 years ago by starting a private Medicare Set-Aside business. The business was successfully sold in 2008.
- From 2011 – current, Teresa has served as CEO of Home Care Connect, providing Operational and Clinical Oversight of the Home Health, Post-Acute and DME Products.

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Course Objectives

- Define ethics
- What is the difference between ethics and morals?
- List the 5 sources of ethical standards
- Identify a framework for ethical decision making
- What professional ethical question should you ask?
- Discuss ethical dilemmas
- Review ethical situations in workers' comp insurance
- 6 principals of ethical behavior
- 5 questions to ask yourself

What are Ethics?

- ▶ Ethics or moral philosophy is a branch of philosophy that involves systematizing, defending, and recommending concepts of right and wrong conduct.
- ▶ As a branch of philosophy, ethics investigates the questions "What is the best way for people to live?" and "What actions are right or wrong in particular circumstances?"
- ▶ In practice, ethics seeks to resolve questions of human morality, by defining concepts such as good and evil, right and wrong, virtue and vice, justice and crime.
- ▶ As a field of intellectual inquiry, moral philosophy also is related to the fields of moral psychology, descriptive ethics, and value theory.

What is the Difference between Ethics and Morals?

Ethics and morals relate to "right" and "wrong" conduct. While they are sometimes used interchangeably, they are different:



Ethics

Refer to rules provided by an external source, e.g., codes of conduct in the workplace or principles in religion



Morals

Refer to an individual's own principles regarding right and wrong

Ethics vs. Morals

Ethics

What they are

- ▶ The rules of conduct recognized in respect to a particular class of human actions or a particular group or culture.

Origin

- ▶ Greek word "ethos" meaning "character"

Where do they come from?

- ▶ Social System – External

Why do we do it?

- ▶ Because society says it is the right thing to do.

Morals

What they are

- ▶ Principles or habits with respect to right or wrong. While morals also prescribe dos and don'ts, morality is ultimately a personal compass of right and wrong.

Origin

- ▶ Latin word "mos" meaning "custom".

Where do they come from?

- ▶ Individual – Internal

Why do we do it?

- ▶ Because we believe in something being right or wrong.

Ethics vs. Morals

Ethics	Morals
<p>Flexibility</p> <ul style="list-style-type: none"> Dependent on others for definition. They tend to be consistent within a certain context but can vary between contexts. 	<p>Flexibility</p> <ul style="list-style-type: none"> Usually consistent, although can change if an individual's beliefs change.
<p>Acceptability</p> <ul style="list-style-type: none"> Governed by professional and legal guidelines within a particular time and place. 	<p>Acceptability</p> <ul style="list-style-type: none"> Transcends cultural norms.

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Ethics vs. Morals

The "grey"


- A person strictly following Ethical Principles may not have any morals at all. Likewise, one could violate Ethical Principles within a given system of rules in order to maintain moral integrity.
- A Moral person although perhaps bound by a higher covenant, may choose to follow a code of ethics as it would apply to a system. "Make it fit".

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Conflicts between Ethics and Morals


Case Example – The work of a defense attorney

A lawyer's morals may tell her that murder is reprehensible and that murderers should be punished, but her ethics as a professional attorney, require her to defend her client to the best of her abilities, even if she knows that the client is guilty.




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5 Sources of Ethical Standards




The Utilitarian Approach




The Common Good Approach



The Rights Approach




The Virtue Approach



The Fairness or Justice Approach

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The Utilitarian Approach



- ▶ The ethical action is one that provides the most good or does the least harm.
- ▶ It produces the greatest balance of good over harm.
- ▶ An example of this is: Pollution
Should people be allowed to pollute the environment, even though it causes harm to others and damages the environment?

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The Rights Approach



- ▶ The ethical action is one that best protects and respects the moral rights of those affected.
- ▶ It starts from belief that humans have a dignity based on their human nature per se or their ability to choose freely what they do with their lives.
- ▶ Examples of this are:
 - ▶ The right to practice religion freely.
 - ▶ The right to express ideas and opinions freely.

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The Fairness or Justice Approach



- › The approach believes that all should be treated equally.
- › It starts from belief that all human beings are equal.
- › Examples of this are:
 - › Equal pay for equal work.
 - › No discrimination based on gender, race or religion.

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The Common Good Approach



- › The approach suggests that interlocking relationships of society are the basis of ethical reasoning.
- › Respect and compassion for all others, especially the vulnerable, are requirements for such reasoning.
- › The focus is on the common conditions that are important to the welfare of everyone.
- › Examples:
 - › The Educational System
 - › Police and Fire Department
 - › Healthcare

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The Virtue Approach



- › The approach suggests that ethical actions ought to be consistent with certain ideal virtues that provide for the full development of our humanity.
- › These virtues are dispositions and habits that enable us to act according to the highest potential or our character and on behalf of values like truth and compassion.
- › Examples of this approach are:
 - › Honesty
 - › Compassion
 - › Integrity
 - › Fairness

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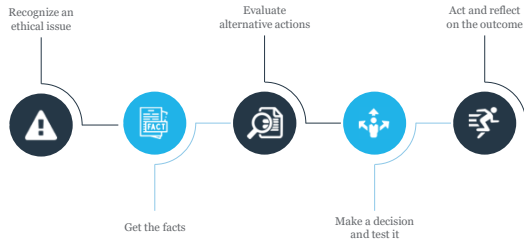
The Combination Approach



- ▶ No single approach to ethical decision-making.
- ▶ We may not all agree to the same set of human and civil rights.
- ▶ We may not agree on what constitutes the "common good" or even what is "good" and what is "harm".
- ▶ Each approach answers the question "what is ethical?" in a different way.

A Framework for Ethical Decision Making

A 5-step process for ethical decision making in work and life



A Framework for Ethical Decision Making

Recognize an ethical issue

- ▶ Could this decision or situation be damaging to someone or to some group?
- ▶ Is this issue about more than what is legal or what is most efficient? If so, how?

Get the fact

- ▶ What are the relevant facts of the case? What facts are not known? Do I know enough to make a decision?
- ▶ What individuals and groups have an important stake in the outcome? Are some concerns more important? Why?
- ▶ What are the options for acting? Have all of the relevant persons/groups been consulted? Have I identified creative options?

A Framework for Ethical Decision Making

Evaluate alternative actions – ask the following questions

- ▶ Which option will produce the most good and do the least harm? (The Utilitarian Approach)
- ▶ Which option best respects the rights of all who have a stake? (The Rights Approach)
- ▶ Which option treats people equally or proportionately? (The Justice Approach)
- ▶ Which option best serves the community, not just some members? (The Common Good Approach)
- ▶ Which option leads me to act as the sort of person I want to be? (The Virtue Approach)

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A Framework for Ethical Decision Making

Make a decision and test it

- ▶ Considering all these approaches, which option best addresses the situation?
- ▶ If I told someone I respect which option I have chosen, what would they say?

Act and reflect on the outcome

- ▶ How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?
- ▶ How did my decision turn out and what have I learned from this specific situation?

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Ethical Dilemma

An ethical dilemma is a complex situation that often involves an apparent mental conflict between moral imperatives, in which to obey one would result in transgressing another. It is a choice between two options, both of which will bring a negative result based on society and personal guidelines.

What Would You Do?

You are waiting with a few other people to board a bus. The bus pulls up and before you can board the driver gets out and goes into the convenience store to get a coffee. You are the last to get on the bus. Do you pay your fare?

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What Would You Do?

You are on a country road and see two neighboring farmhouses on fire. One is yours and the other belongs to a new couple who just moved in. Your wife and child are at home as are your neighbors. You can only save one house. Which one do you save? What would you do?

What Would You Do?

Recently, a heated discussion ensued when a Clerk of Court refused to issue a gay couple a marriage license. She stated it violated her moral and religious beliefs. Her job required that she issue marriage licenses to all individuals applying for a license and that the Clerk cannot discriminate based race, sex or religion. What would you do?

Ethical Dilemmas in Workers' Comp

- ▶ Discrimination based on race, religion, age, ethnicity, gender, sexual orientation or disability.
- ▶ Medical or information pertaining to IW disclosed to other individuals via verbal or written format.
- ▶ Disagreements with IW and/or family/caregivers.
- ▶ Inappropriate sexual relationship between the IW and CCM.
- ▶ Delay in medical care/equipment.
- ▶ Commits and engages in a criminal act and/or fraud.
- ▶ Being deceitful and dishonest.
- ▶ Unable to maintain professional boundaries between the IW and CCM or Adjuster.
- ▶ What are your dilemmas?
- ▶ My ethical dilemma.

Principles of the Code of Professional Conduct for Case Managers

- PRINCIPLE 1:** Board-Certified Case Managers will place the public interest above their own at all times.
- PRINCIPLE 2:** Board-Certified Case Managers will respect the rights and inherent dignity of all of their clients.
- PRINCIPLE 3:** Board-Certified Case Managers will always maintain objectivity in their relationships with clients.
- PRINCIPLE 4:** Board-Certified Case Managers will act with integrity and fidelity with clients and others.

Principles of the Code of Professional Conduct for Case Managers

- PRINCIPLE 5:** Board-Certified Case Managers will maintain their competency at a level that ensures their clients will receive the highest quality of service.
- PRINCIPLE 6:** Board-Certified Case Managers will honor the integrity of the CCM designation and adhere to the requirements for its use.
- PRINCIPLE 7:** Board-Certified Case Managers will obey all laws and regulations.
- PRINCIPLE 8:** Board-Certified Case Managers will help maintain the integrity of the Code, by responding to requests for public comments to review and revise the code, thus helping ensure its consistency with current practice.

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Six Principles of Ethical Behavior

<p>Autonomy: Respecting the rights of the injured worker to be self-governing while in their cultural and social framework.</p>	<p>Beneficence: Promoting the wellbeing of the injured workers while being good to others.</p>	<p>Fidelity: Keeping promises and commitments while building trust between the injured worker/nurse case manager.</p>
<p>Non-maleficence: Do no harm to others.</p>	<p>Justice: Nurse Case Manager will make sure that they are treating all injured workers the same and ensuring that the injured worker receives appropriate care based on their injury.</p>	<p>Veracity: To be honest to the injured worker.</p>

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5 Questions to Ask when Faced with an Ethical Dilemma

Thomas Shanks, PhD

- 1 Did I practice any virtues (integrity, honesty, compassion)?
- 2 Did I do more good than harm?
- 3 Did I treat others with dignity and respect?
- 4 Was I fair and just?
- 5 Was my community better because I was in it? Was I better because I was in my community?

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Pop Quiz

<ul style="list-style-type: none"> True or false – Are ethics and morals the same thing? 	<ul style="list-style-type: none"> Name 1 of the 5 approaches of Ethical Standards. 	<ul style="list-style-type: none"> List one of the steps in applying a Framework for Ethical Decision-Making.
<ul style="list-style-type: none"> What is an ethical dilemma? 	<ul style="list-style-type: none"> Name 1 of the 6 principles of ethical behavior. 	

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“Ethics is knowing the difference between what you have a right to do and what is right to do.”

- Potter Stewart

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“The time is always right to do what is RIGHT.”

- Martin Luther King

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“Those who stand for nothing, fall for anything.”

- Alexander Hamilton

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Q&A

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Thank you

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