ETHICS

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CLEARING YOUR PATH TO COMPLIANCE

www.addiction-tx.com

WELCOME

OBJECTIVES

❑ Describe, Define and Discover Ethics (Principles, Standards & Values)

❑ Describe and Define Laws

❑ Identify Top Ethical Concerns in Behavioral Health Care Field

❑ Illustrate Ethical Decision Making Models and Invite Curiosity
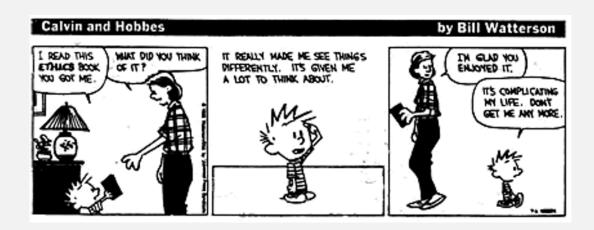
❑ To Challenge Behavioral Health Care Providers

WHAT ARE ETHICS ?

❑ Beliefs an individual or group make about what constitutes proper behavior

❑ Standard of Conduct

Ethics are Not Laws

Do Not Confuse Morality (custom and values) With Ethics

1970

Where We Are...

Belmont Report

Respect for Persons

Beneficence

Justice

Common Rule

Criteria for approval
- Minimization of risk
- Risk/benefit ratio
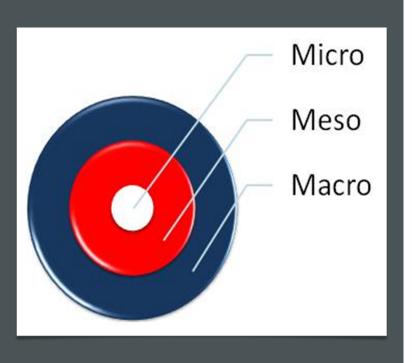- Consent
- Vulnerable populations

- 1945-46 Nazi Germany, African Americans, 1966 Public Health regulations, 1980's Watergate

- 1996 Revised Codes: professions grew, so did codes of ethics

MORAL PRINCIPLES OF ETHICS

- ❑ Autonomy - Freedom of Choice
- ❑ Non-Malfeasance - To Cause No Harm
- ❑ Gratitude
- ❑ Beneficence - To Do Good
- ❑ Justice - Treat all Fairly
- ❑ Fidelity - Honoring Commitments
- ❑ Reparation - Duty to Make up for Wrongs

ETHICAL ISSUES

Micro

Meso

Macro

Individual

Group

Organizational

Societal

How many groups or organizations do you belong to that have stated ethics?

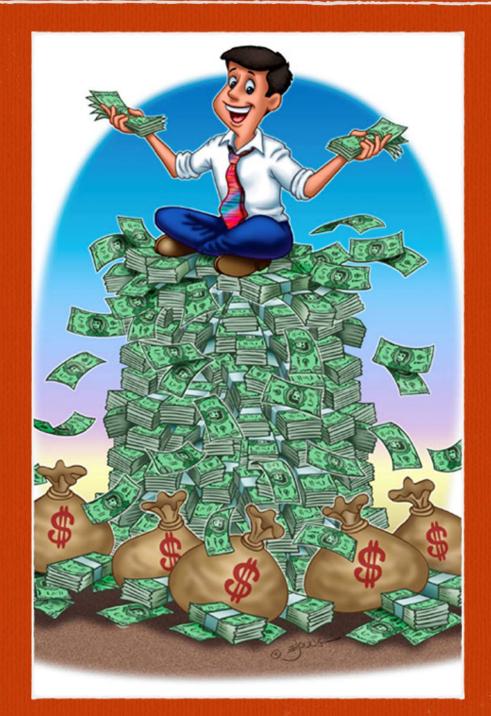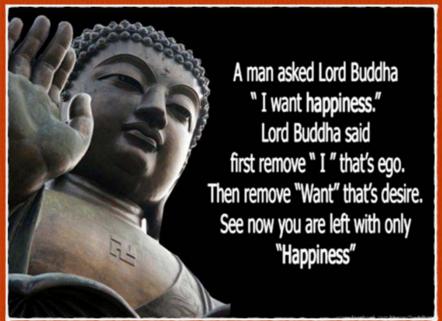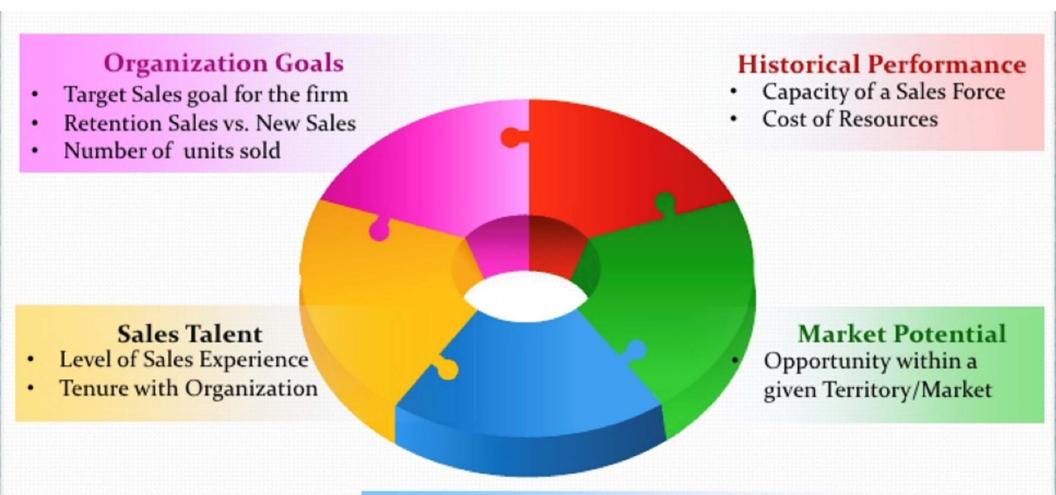Membership has its privileges and its obligations.

HOW DO ETHICAL PROBLEMS OCCUR

- ❑ Human error
- ❑ Clients misreport
- ❑ Inexperience
- ❑ Ignorance
- ❑ Unpredictable / Unforeseen situations
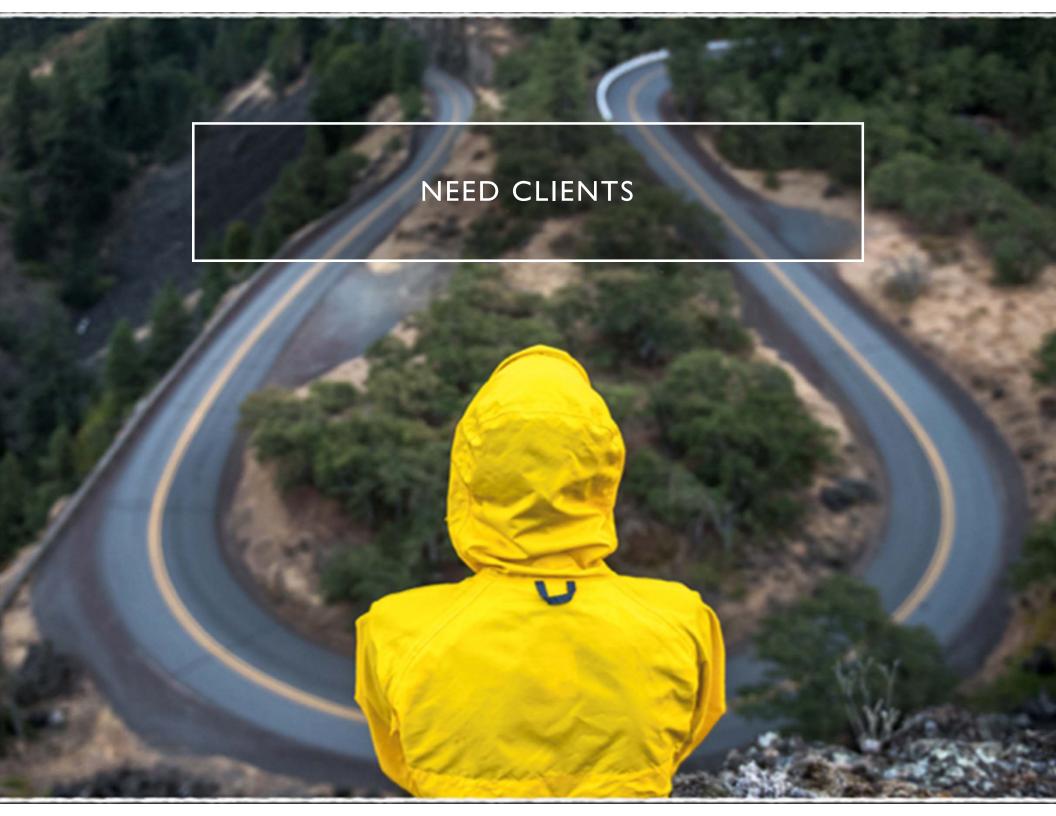- ❑ Inadequate agency policies
- ❑ Ethics in conflict with law

COMPETITION

A man asked Lord Buddha
" I want happiness."
Lord Buddha said
first remove " I " that's ego.
Then remove "Want" that's desire.
See now you are left with only
"Happiness"

Organization Goals
- Target Sales goal for the firm
- Retention Sales vs. New Sales
- Number of units sold

Historical Performance
- Capacity of a Sales Force
- Cost of Resources

Sales Talent
- Level of Sales Experience
- Tenure with Organization

Market Potential
- Opportunity within a given Territory/Market

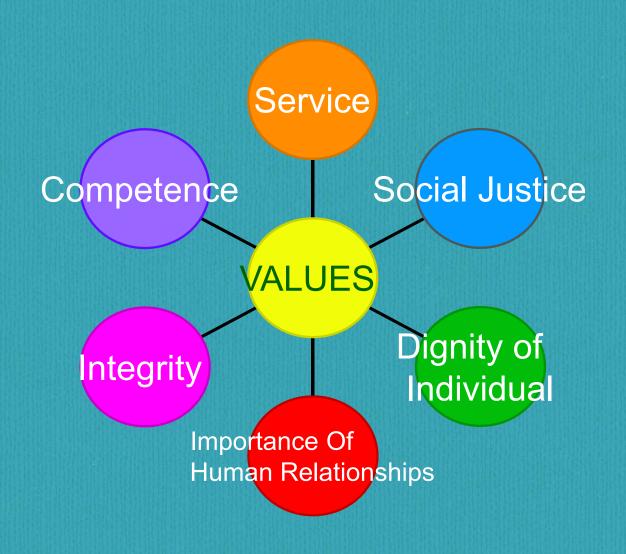# ETHICAL PROBLEMS OCCUR

Quotas

NEED CLIENTS

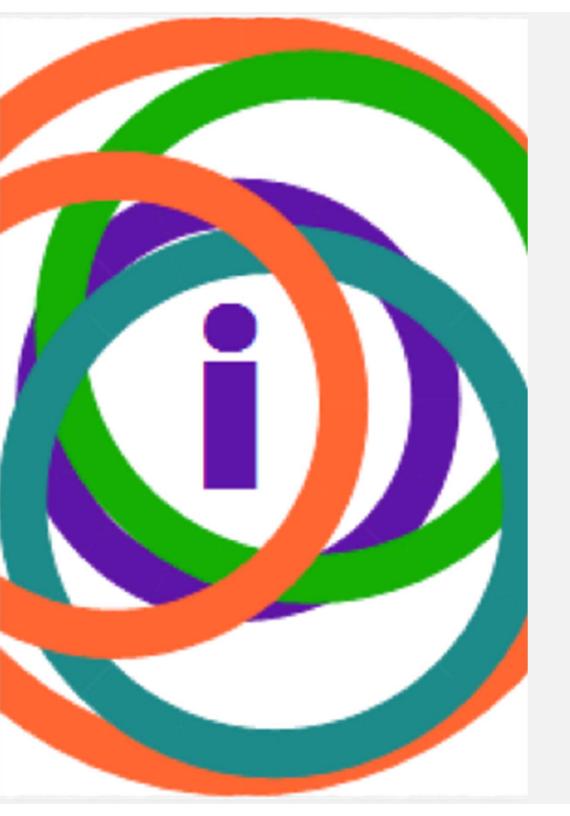# ETHICAL RESPONSIBILITIES
MICRO-INDIVIDUAL LEVEL

- To Clients
- To Colleagues
- To Practice Settings
- To Professional Affiliations
- To Broader Society

ETHICAL PRINCIPLES

❑ Respect for one another

❑ Universality

❑ Utility - the duty to provide the greatest good or least harm to the greatest number of people

❑ Ordering of priorities

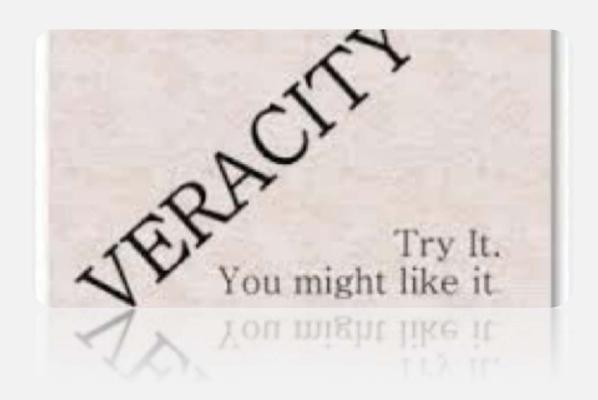## ETHICAL CONSIDERATIONS

- ❑ Fiduciary Relationships with Provider
- ❑ Call Centers
- ❑ Pay per Click
- ❑ Truth In Advertising
- ❑ Gifts and Kickbacks
- ❑ Confidentiality

THE DILEMMA

- ❑ To tell the truth
- ❑ Herein lies the dilemma: between self, IP, agency and outside world

Let's Talk About **The Issues**

ETHICAL ISSUES

❑ Qualitative Research - SnowBall Sample

❑ Open-Ended Questions - to Wide Spectrum of Professionals

❑ Collapse Date

❑ Triangulation of Data with other sources - TV, Newspaper Clippings, Social Media. Magazine Articles, etc.

TOP CONCERNS

- Patient Brokering - Paying for Referrals
- Improper Billing - UA Billings
- Incorrect Billing with Insurance and Private Pay (Waving Deductibles)
- Unlawful Kickbacks
- Deployment of Staff - Having Non-Credentialed Staff Facilitate Clinical Events

TOP CONCERNS

- ❏ Lack of Accreditation and Standardization of Care
- ❏ Lack of Standardization and Best Practice Training
- ❏ Knowing the Laws
- ❏ Mission Statement and Code of Ethics
- ❏ "Cures Promised Instead of Solutions"
- ❏ Over Promising and Under Delivering Services

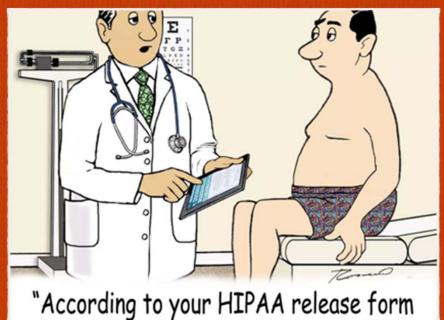# TOP ISSUES
DUAL RELATIONSHIPS

- ❑ Friendships / Counselor-Client
- ❑ Sexual relationships
- ❑ Professional - Client and colleague are professionals
- ❑ Business - Counselor and client are business partners or have an employer relationship
- ❑ Communal (both belong to same community: AA, ALANON, NA, etc.)

CONFIDENTIALITY AND DUTY TO WARN

- ❑ Hallmark of therapeutic relationships
- ❑ Record keeping
- ❑ Gossiping/Slander
- ❑ Photos
- ❑ Intentional infliction of emotional distress
- ❑ Tarasoff Rule
- ❑ With minors and with groups
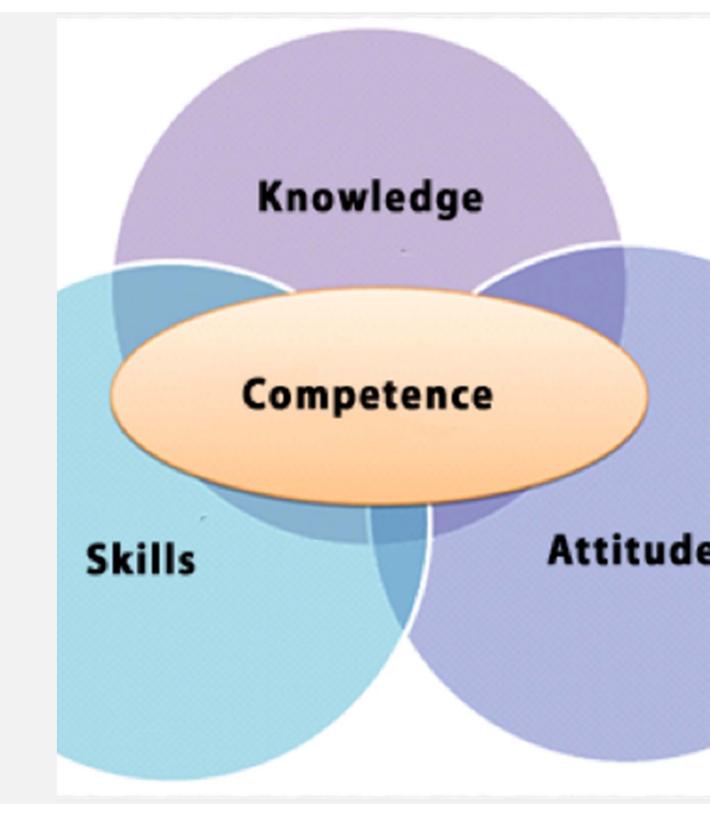
"According to your HIPAA release form

HIPAA Basics

- **Protected Health Information (PHI)**
- HIPAA protects all patient information whether it is verbal, written or electronic.
- It includes all individually identifiable health information that is transmitted or maintained in any form or medium.
- It includes demographic information that ties the identity of the individual to his or her health record.
- E.g. names, addresses, geographic codes smaller than state, all dates (except year) elements related to the person, telephone numbers, fax numbers, license numbers, social security numbers, etc.

COMPETENCE

- ❑ How do you achieve and maintain?
- ❑ Cultural
- ❑ Is it ok to practice outside of cultural competence?

MORE ISSUES

- Patient deaths
- Non-profits set up to run call centers
- Ownership - should labs own treatment centers?
- Insurance companies dictate treatment
- Public's distrust of the behavioral healthcare industry
- Lack of generalized training and standards

MORALITY

RESPONSIBILITY

TRUST

BEHAVIOR

BUSINESS ETHICS

RELIABILITY

PRINCIPLE

Social Responsibility &
ETHICS IN MARKETING

WORLD WIDE WEB

☐ Advertising

☐ Misrepresentation of facility and of its culture in website content

☐ Misrepresenting location, adding fake locations

☐ Using high end photos that have nothing to do with center

☐ Misrepresenting amenities and treatment modalities

GOOGLE ANALYTICS AND OTHER ISSUES

- ❑ Buying ad words
- ❑ Fake positive reviews
- ❑ Buying competition's keywords
- ❑ Kickbacks - reciprocation
- ❑ Stealing websites - called redirecting

GLOBAL ISSUES

❏Should every home have Narcan?

❏Should cannabis be used for opiate withdrawal?

❏How should cannabis be marketed and regulated?

❏Advertising and regulating

❏Drug trafficking - human trafficking

8 STEP MODEL FOR ETHICAL DECISION MAKING (CORY, CORY, CALLAHAN)

❑ 1. Identify the Problem or Issue

❑ Clinical

❑ Legal

❑ System - Policies, etc.

❑ Cultural

❑ Personal

STEPS 2 - 4

☐Identify the potential issues

☐Look at relevant codes of ethics for general guidance

☐Consider applicable laws and regulations and determine how they may have bearing on ethical dilemma

STEPS 5 - 7

- Seek consultation from more then one source to gain multiple perspectives to the dilemma
- Brainstorm various courses of action
- List pros and cons of potential action

THE CHALLENGE

WHAT ARE YOU GOING TO DO?

AS AN INDIVIDUAL BEHAVIORAL HEALTHCARE PROVIDER

Review your professional Code of Ethics

Engage in continuing education

Join professional groups, sign ethic pledges

Advocate for ethical behaviors - lobby

Walk your talk - share

AS A TREATMENT OWNER

Make sure you have a mission and ethics statement that is clear: on website, business cards, employee handbooks, etc.

Be accredited: JACHO, CARF - HIPPA-compliant, etc.

Practice ethically in a digital electronic world

Require staff to have CEU - hold meetings

Membership in appropriate professional organizations

Let consumers know

AS A GLOBAL CITIZEN

BE VISIBLE, VOCAL & VISIONARY!

ABOUT LOUISE STANGER

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www.allaboutinterventions.com

www.amazon.com/Falling-Up-Renewal-Louise-Stanger/dp/0996761403

www.youtube.com/watch?v=hDf5262P7I8

www.thriveglobal.com/authors/3258-louise-stanger-ed-d-lcsw-cdwf-cip-roger-porter

www.huffingtonpost.com/author/louise-stanger-edd-lcsw-bri-ii-cip

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STANGER ARTICLES ON ETHICS PARTIAL LISTING

❑ Ethics 101 with Heather Hayes: https://www.huffingtonpost.com/entry/ethics-101_us_59b70e83e4b0678066213dfd

❑ Be Bold, Vocal and Visionary - Counselor Magazine & June 2017, DB Recovery Magazine, 2017 Stanger-Porter

❑ Too Big to Fail: Wealthy People - Recovery Plus - May - June 2017 - Stanger & Porter

❑ Digital Media Marketing and Interventionists https://www.allaboutinterventions.com/2017/03/09/digital-media-marketing-interventionists-etiquette/ Stanger & Porter

RESOURCES

The Ethics of an Addiction Counselor

The Association of Addiction Professional

The NASW Code of Ethic

AIS Code of Ethics

Ethics Update - HIPPA Update

The Elements of Ethics for Professionals - Brad Johnson

Center for Study of Ethics in the Professions

Internet Counseling -
http:www.nbcc.org/asset/ethics/internetcounseling.pdf

http:www.mentalhealthlaw.us/10/Practice_Dilemnas.htlm

RESOURCES

Dreamscape Marketing Code of Ethics
https://www.dreamscapemarketing.com/about-dreamscape-marketing/code-of-ethics/

Twin Town
http://twintowntreatmentcenters.com/about-twin-town-tc/our-mission/

Cigna http://www.cigna.com/about-us/corporate-governance/code-of-ethics

Hayes and Associates
http://www.hayesethicspledge.org://www.apa.org

RESOURCES

❑ Joint_ Commission on Accreditation of Rehabilitation Facilities (JACHO) Accreditation http://www.jointcomission.org

❑ http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3088386 The Standard

❑ http//:www.carf.org./home/ for Commission on Accreditation of Rehabilitation Facilities

❑ National Council for Recovery Residences http://narronline.org

❑ Trauma - Informed Care in Behavioral Health Services TIP 57

❑ The ASAM National Practice Guideline for Use of Medications in The Treatment of Addiction Opioid USE

❑ http://www.jcrinc.com/2016-cambhc-behavioral-heath

Additional Resources

Ethical Decision Making

Is the proposed action legal?

Yes → Does it maximize shareholder value?

No → Don't do it.

Does it maximize shareholder value?

Yes → Is it ethical?

No → Would it be ethical not to take action?

Is it ethical?

Yes → Do it.

No → Don't do it.

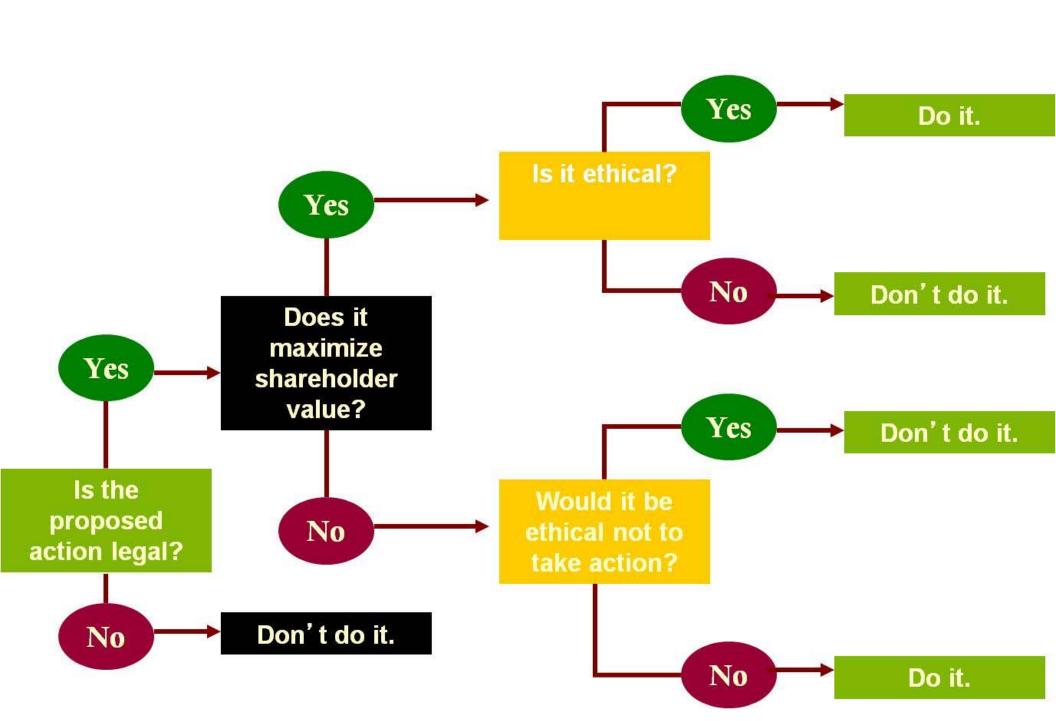Would it be ethical not to take action?

Yes → Don't do it.

No → Do it.

Table 1. Personal and Professional Ethics, Values, and Morals

Professional	Personal
Ethics What relevant standards and expectations are outlined by my profession in its Code of Ethics? How do ethical principles conflict in this case? • If ethical principles conflict, use an ethical decision making process to resolve.	**Values** What relevant personal values apply in this case and where did they originate? What professional values are outlined in the Code of Ethics and do any of them apply in this case? • If there is conflict between personal and professional values, how can I manage my personal values so that I allow my professional ethics to guide me? • Seek supervision, use self-reflection and values clarification process.
Laws and Policy Are there any legal obligations in this case? How do my agency's policies direct me? Are there any conflicts between my profession's ethics and my legal obligations or my agency's policies? • Legal obligations usually supersede professional ethics. • Agency policies should not prevent the ethical practice of social work. • Seek supervision in both cases.	**Morals** How does my behavior affect my relationship with others? What would I like to do and/or what would I want done to me in a situation like this? • Distinguish between personal and professional behavior and obligations.

Additional Resources
Use of Technology Tips

Block unauthorized users from accessing info

Verify source of information to confirm authenticity

Keep a record of communications to and from system

Recover quickly and effectively from anticipated disruptions

COMPUTER SAFEGUARDS KOOCHER & KEITH SPIEGAL, 2008

Apply encryption software to protect data transmission

Protect stored information with complex passwords

Apply internet firewalls

Consult with professionals when storing files, back up, etc.

Keep removable data storage media in safe place

Protect passwords, change frequently

Be knowledgeable about security measures when using wireless devices

Never reveal confidential information in an email or instant messaging without encryption

Always use privacy screen to shield monitors or other screens from view

Protect physical security of all portable devices such as laptops, small computers, personal digital devices and smartphones

Update virus protection

Remove all info when disposing of computers

Consult with technology specialists
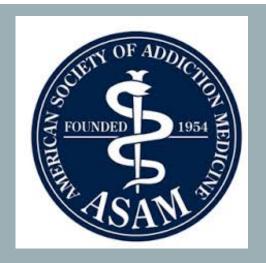
Always consult organizations code of ethics

Professional Groups

STANDARDS OF CARE

AMERICAN SOCIETY OF ADDICTION MEDICINE
FOUNDED 1954
ASAM

ABA
Defending Liberty
Pursuing Justice
AMERICAN BAR ASSOCIATION

NASW
National Association of Social Workers

AMERICAN PSYCHOLOGICAL ASSOCIATION

ADA MEMBER
American Dental Association ®

American Psychiatric Nurses Association

Certified Intervention Professional

ANA
AMERICAN NURSES ASSOCIATION

AAMFT
American Association for Marriage and Family Therapy

Medical & Science
CADAC
means
Certified Alcohol/Drug Abuse Counselor
by acronymsandslang.com

Questions?

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