

The Learning Company
Communications and Ethics
Class 11

Scenarios - How to deal with the following ethical issues.

Consent

- Client is unable to give verbal consent
- Client is unable to fully understand the components of consent

Client's rights

- Right to refusal
- Right to alter treatment
- Right to questions

Therapist's rights

- Right to refusal
- Right to alter treatment
- Right to termination of treatment
- Right to regulate treatment

Conflict of Interest

- Therapist selling product (other than the treatment)

Tips and Gratuities

- Client leaves a tip on the table after a treatment
- Client offers a gift in appreciation

Misconducts

- Client makes a sexual advance on a therapist
- Client asks the therapist for a date (vice versa)
- Inappropriate touch on the therapists part, inadequate draping technique

Therapeutic Relationship

Scenario 1 p. 126

Susan and Frank both live in a small town. Frank seeks Susan's assistance in dealing with lower back pain that is getting progressively worse. Intelligent, attractive and refreshingly sensitive, Frank is a pleasure to treat. Susan looks forward to Wednesday afternoons and her appointments with Frank. He always validates and appreciates both her and her work. At one particular session, Frank informs Susan that he and his girlfriend have split up. Susan expresses regret. But at a deeper level she feels elated knowing Frank is available. At the end of the session, Frank asks Susan out for a coffee. "Just to talk" he explains. Susan knows she can't date Frank while he continues to be her client. Still, if they get to know each other better and "click" he could always terminate therapy with her and pursue a personal relationship.

- A. What is the right thing for Susan to do?

- B. Would it be appropriate to terminate therapy in order to being a personal relationship with Frank?
- C. What are the risks associated with breaching this boundary?

Scenario 2 p. 126

George is a massage and Reiki practitioner. He receives a call from a local hotel patron who claims that he has shoulder pain related to a sports injury and would like George to treat his shoulder. Since it is Sunday George explains that he is not available to treat clients on Sundays, but would glad to treat him sometime during the week. The prospective client offers to pay George double his rate of pay if he attends to him immediately. George decides that this is far too lucrative a financial opportunity to pass up. He arrives at the client's hotel room with his portable table. The client asks him why he brought the table, and says "we can work on the bed." George is beginning to feel uncomfortable with this situation. However, he accedes to the client's wishes and proceeds to attempt to treat him on his bed. He discovers that, in effect, he can not find a shoulder injury at all. The client's slip of the bed and grab's his knee. George freezes in shock and then retorts angrily. "Are you crazy man? I am not gay." George leaves the hotel room, slamming the door behind him.

- A. Did George do the right thing?
- B. Did George handle the dilemma appropriately?
- C. If this happened to you, how would you handle it?

Dual Relationships

Scenario 1 p. 131

Lucy is a 75 year old woman Mark has been treating regularly for arthritic pain and immobility over the last 5 years. Lucy informs him that she will have to stop therapy since her income is now lower that she anticipated. Mark explains that he is sorry to hear of her financial difficulties, telling her that, in his opinion, massage has been essential to improved health and well being and he is fearful of what the termination of therapy might mean for her. He then asks exactly how much she could afford to pay for therapy. She says that she really could not afford to pay any more than \$30. This is a \$20 reduction, so she offers to compensate by giving him baked goods. If mark decides to take Lucy up on her offer, he will be entering into a dual relationship in which roles of therapist and consumer will be merged.

- A. What laws or policies (official or unofficial) then apply?
- B. What then are the possible risks and benefits of this situation?

Scenario 2 p.131

Mike and Lorna, both RMT's have been friends for several years. Each has been a source of mutual support and assistance for the other. Mike has informed Lorna that his only sister, Mary, has cancer and has been given 8 – 10 weeks to live. He has contacted 2 other RMT's before Lorna but they were not able to offer on-site treatment for Mary. As a last resort, he asks Lorna to treat Mary and help him make Mary's last days as comfortable as possible.

- A. What level of risk is this on the dual relationship scale?
- B. What risks are associated with this dual relationship?
- C. What are the benefits for the client?

Ethical Theory

Scenario 1 p. 140

“Mark you have a call on line one, it is another client calling to congratulate you on your outstanding orthopedic treatment techniques.” It is Friday morning and this is the 9th client to call you with positive results this week. Never in a million years did you imagine having this sort of success rate with clients. All of your clients are raving about the results, and you have seen immense changes in your sister as well. She has had low back pain for over 10 years, but is suddenly up and out of bed. In fact, she is now talking about training for a marathon. You have made the decision to help promote and market orthopedic treatments to all possible users of massage therapy services across Canada. But doing so will mean leaving your present clients without the benefit of your services for an indefinite period of time. One client confides to you that she is no longer available personally to provide her care she will cease massage therapy altogether.

- A. Do you give up your practice and all the clients who have come to depend on you and move on to treat Canada?

Scenario 2 p.140

You and your partner have just moved to Vancouver from Seattle. Both of you had well paying jobs in Seattle, but when BC legalized gay marriages, the 2 of you decided to make the move to beautiful open minded BC. Sara, your partner, has not been able to find a job yet, but luckily you knew a contact from school that needed another massage therapist as her clinic. With your salary, the 2 of you are able to find a nice apartment in the west end, a perfect location for running along the Stanley Park sea wall three times a week. Money is tight, but Sara is a chartered accountant and has an interview lined up this week. If she gets the job both of you will have free ski passes for Whistler and vacations in resort towns all around America. A few days later your office manager gives you an urgent message to phone home. You phone home and learn that Sara’s condition from a few years ago is flaring up again. You need to get her some medication, and quickly. The 2 of you don’t have a medical service plan yet and you can not afford her medication or the visit to the specialist to get the prescription. Time is important, but you are a smart one and quickly devise a plan. You know you will only need to do this once, the Vancouver General hospital carries her medication. On Friday night when the hospital is very busy, you wait until the coast is clear and grab 2 bottles of Sara’s medication and casually walk out the door. A few months later Sara is healthy, happy with her new job and the 2 of you donate her first pay check and a couple of ski passes to the hospital.

- A. Using both theories, analyze this case and decide if she acted ethically.

Scenario 3

Jack is a colleague and friend from massage college days who is employed in the same massage therapy clinic as you are. Jack is a good practitioner and a supportive friend and colleague who, on several occasions, has personally supported you through some difficult times. Since his wife left him for someone else, the last couple of years have been very difficult for him and have created a chemical depression that he struggles with daily. Recently Jack’s mood and disposition have changed as a result of a new relationship with an ex-client, Patsy. Patsy adores Jack and Jack is delighted with the attention that Patsy displays towards him. One day you over hear Jack and Patsy in the office engaging in private behaviour. You feel embarrassed and concerned at this type of behaviour occurring in the treatment room. The next day you approach Jack and mention your concern. Jack then explains that he is crazy for Patsy

and can't live with out her and he fears that if he doesn't comply with her requests she will leave him. Besides, he responds, I don't feel this is unprofessional because she is not my client.

- A. How do values effect this decision?
- B. Identify the ethical issues and problems
- C. Identify alternatives to actions
- D. Select and justify an alternative

Ethical Dilemma

Scenario 1 p.182

Ivy is offered the opportunity to work is a successful and exclusive health spa. She is very grateful to her friend, Susan, for putting in a good word to the Executive Director of the spa. During Ivy's orientation to the facility, the director, who is not a massage therapist, emphasizes proudly that "we practice within the highest possible standards of practice and in strict adherence to all applicable laws and regulations."

Susan is the directors massage therapist, but one day, when Susan is sick, the director schedules an appointment with Ivy. When Ivy refers to the client file, Ivy discovers that the treatment records are extremely poorly kept. The director was expecting a similar approach to treatment but unfortunately, Susan did not record this information. Ivy recalls Susan saying that she did not put much time or energy into her record keeping because she was so busy at the spa and a lot of clients were only there to be pampered any way.

- A. Should Ivy tell the director about the poorly kept files?
- B. Identify the ethical issues and problems
- C. Identify alternatives to actions
- D. Select and justify an alternative

Scenario 2 p. 210

Ted and Joan are both practicing massage therapist. They met at Kikkawa College and developed a strong personal friendship that they have retained for a number of years. Ted develops a drinking problem in the process of a long messy divorce. One day when Joan stops by Ted's office to see if he is free for lunch, she finds him treating clients with alcohol on his breath. Joan recognizes that this constitutes professional misconduct on Ted's part, but he is a dear friend and this may, after all, be a single, isolated incident that will not reoccur.

- A. What is the morally right thing for Joan to do?

Scenario 3 p.210

Lesley is attending private vocational school for training in massage therapy. Presently in her second year, Lesley's goal is to become a Registered Massage Therapist. In order to earn a living and finance her studies, she has been working part tie at a small fitness club. On a number of occasions when her employer, the club manager, has experienced severe muscle pain and discomfort, Lesley has provided relief by practicing massage techniques she is learning.

Extremely pleased with her work, the manager suggests to Lesley that she should provide massage therapy for club members for which she would receive extra remuneration. She informs his that, although she is interested in his proposition, she is not able to accept payment for giving treatments until she has completed her program of study. Her employer replies that he believes that this policy is a silly requirement that can easily be bypassed by under the table

payment in the form of a substantial raise or bonus. The entire arrangement would be kept secret and private.

A. What is the morally right this for Lesley to do?

Informed Consent

Scenario 1 p. 195

Mr. Smith is a heavy set man in his late forties who is visiting your clinic for the first time. He loudly complains that is in excruciating pain and must have your help. You do an assessment and offer him your opinion of his condition. Mr. Smith challenges your evaluation of his condition and insists that own lay opinion is the right one. You know that you could provide Mr. Smith with some relief of his pain, but he refuses to let you treat him unless you agree to his self assessment.

A. Can you bypass Mr. Smith's consent to you assessment for his own sake?

Scenario 2 p. 195

A 15 year old girl and her mother are both regular clients at you massage clinic. After several visits, the moth decides that he daughter really does not need to continue receiving massage therapy and asks you to discontinue seeing her daughter. The daughter informs you that she does not wish to stop treatment and has taken a part time job to help pay for her therapy.

A. Who can consent to the treatment? Mother? Daughter?

Scenario 3 p.195

Gillian Jones is a long time client of yours. For approximately 2 years you have been providing her with regular massage therapy for a debilitating low back condition. One day, near the end of her weekly treatment, she asks you to stop treatment because she does not wish to continue with therapy.

A. Can Gillian withdraw her consent at any time?

Scenario 4 p. 195

Joan walks into your office complaining of excruciating pain and pleading with you to treat her. She says, "Do anything you want. Anything, just make me feel better."

A. Can Joan refuse her right to informed consent?

Scenario 5 p. 196

Mr. Bell approaches you, speaking very broken English, pointing constantly to his low back area and waving a worker's compensation form. You can see from his expression on his face that he is obviously in pain. You try to explain the concept of informed consent to him but are not at all sure if he has understood you.

A. Is Mr. Bell's consent valid?

Scenario 6 p. 196

A 26 year old woman visits your clinic, complaining of stress and exhaustion. She informs you that she is not really sick just stressed out and in need of, what she calls, a relaxational massage.

- A. Must you obtain informed consent for providing a relaxational massage?

Confidentiality

Scenario 1 p. 202

Louise approaches you seeking massage therapy for stress management. She explains that she has been having difficulty relaxing and sleeping at night. During her treatment session she reveals to you that “real” reason for her stressed state. She feels guilty over an extra marital affair she became involved in when she and her husband were experiencing marital difficulties. One day Louise’s husband calls your office and explains that he is very concerned about his wife. He offers to take personal financial responsibility for all her therapy and enquires if you have any idea what the source of Louise’s stressed state might be. He adds that he sincerely hopes that it was not that marital difficulties they have been having earlier in the year. Louise, he explains, means everything to him and he hopes he hasn’t hurt her.

- A. Should you break Louise’s confidence?

Scenario 2 p.202

Ken is a rough looking, rough acting man in his late thirties. He has come to see you about some lower back pain and stiffness he recurrently experiences. One day during treatment he reveals to you that he has hired a buddy (ex jail mate of his) to hurt his ex-wife for leaving him.

- A. Should you break Ken’s confidence?

Scenario 3 p.203

Fred is receiving massage therapy for a back problem that he sustained while participating in a ballroom dancing class. He is very quiet and withdrawn throughout the session. You sense he is very self conscious and embarrassed about the whole incident. In the next cubicle, you over hear the other therapist with whom you share the office space telling his client how your client hurt his back. Fred cringes when he overhears the conversation. You feel embarrassed and angry that your colleague has revealed a part of your client’s history that you revealed to him privately and confidently.

- A. Did you breach confidentiality in revealing this information to your colleague?

Scenario 4 p.203

Tina has been receiving massage as an adjunct therapy to support her efforts to recover from a serious Candida problem. During your last session together, she excitedly reveals that she has found a wonderful new doctor whom she feels confident will be able to totally cure her Candida. She explains further that he is a doctor of spiritual healing who treat clients with spiritual incantations and natural herbal remedies which he grows in his own back yard. She asks you to turn over all your medical records to him for his review and information.

- A. Should you turn her medical history and records over to her new doctor of spiritual healing?

John is recent graduate of a massage college, has passed his board exams and entered into a partnership in a multi disciplinary clinic with a chiropractor, naturopath and a body worker who graduated from a very reputable esthetic school. One day a client, Mabel, is referred to John by the chiropractor for chronic and persistent migraines that the chiropractor believes would respond well to the soft tissue treatment.

John greets Mabel and escorts her into the staff lounge and offers her a cup of coffee and then informs her that he prefers to do his client history in a casual and relaxed environment. John learns in the course of the conversation that Mabel has a very high stressed job and a deteriorating marriage. He also learns that she has problems with digestion and experiences constipations frequently.

John provides massage therapy treatment for her migraines and addresses her constipation. When John attempts to drape her abdominal area, Mabel states that she feels self conscious and would rather not proceed with this type of treatment. John tells her that her self consciousness is foolish and needs to get over it. John proceeds with the abdominal treatment. Mabel cries and asks John to stop. John impatiently angrily responds "well you won't feel better then will you?"

The chiropractor in the room next door overhears Mabel crying and asks John "what was that all about?" John responds, "Oh nothing, just this uptight woman with a low self esteem. It's a stereotypical case, crummy job and bad marriage."

When Mabel is fully dressed and ready to go she asks John what the fee of the treatment will be for today. John responds with \$60. Mabel states that it is posted as \$50. John responds "that is what Len, the body worker, charges not me." Mabel pays the \$60 fee reluctantly.

After Mabel leaves John proceeds to complete the client record but omits the abdominal treatment and Mabel's reaction to treatment.

- a. Identify the breaches in standards of practice.
- b. What should John have done differently in each of those situations?