

# Ethical Decision Making

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# What is Ethics?

## Dictionary Definition

Ethics - the study of morals in human conduct, the rules of conduct recognized as appropriate to a particular profession or area of life

Ethics – a systematic and reflective approach to providing good reasons for our moral beliefs and opinions

Law – the principles and regulations established by the government and applicable to people whether in the form of legislation or of policies recognized and enforced by judicial decision

# Legal Issue vs. Ethical Issue

An issue is legal in nature because of the fact that laws, rules and regulations are associated with it

The primary purpose of laws regarding massage therapy is to protect the public by providing guidelines for obtaining and maintaining a license

The primary purpose of Ethics is to elevate standards of competency

Professional ethics build a set of professional values and ideals

	<b>LAW</b>	<b>ETHIC</b>
Definition	A system of do's and don'ts to guide human behaviour	The beliefs of a given society derived from the social morality of that society
Purpose	To provide minimum content of law necessary for social existence	To provide both a minimum content as well as to promote the moral ideals of that society
Objective	To protect society from harm to persons and property To provide mechanism for resolution of conflicts arising from differences	Same as law, but also includes promotion of positive ideals Ex. Autonomy, integrity, justice and equality
Methodology for maintenance and control	Enforced by court or some other legally constituted authority Judiciary review process to form, uphold and change law	Supported by custom, mission statement, convention, popular opinion. Reflected in codes of ethics of various groups in society. Moral reasoning by people who make up society.

# Ethical Principles

# PRINCIPLE 1 – Respect for Persons

*To value the dignity and worth of all persons regardless of age, race, culture, creed, sexual identity, gender, ableness and or health status*

Application - client autonomy is demonstrated by:

- Ensuring that clients are as fully involved as possible in the planning and implementation of their own health care
- Providing complete and accurate information in a sensitive and timely fashion to enable clients to make informed choices
- Listening to and respecting client's values, opinion, needs, and cultural beliefs
- Encouraging and being responsive to a client's choice to accept, augment, modify, refuse or terminate treatment
- Being informed about the moral and legal rights of a client
- Advocating for and supporting a client in exercising his or her moral and legal rights
- Safeguarding the client's rights to privacy confidentiality by holding all person and health information in confidence, unless otherwise required by law

# PRINCIPLE 2 – Responsible Caring

*Providing sensitive, compassionate and empathetic quality massage therapy*

Application – Responsible care of a client is demonstrated by:

- Listening to and respecting the client's values, opinions, needs and cultural beliefs
- Promoting the client's best interest and well being, though the highest possible standard of professional practice
- Seeking assistance when conflicts arise between the value system of the practitioner and the client
- Recognizing and referring the client to another health care providers when it is in the client's best interest to do so
- Being alert to and reporting, as required, any unethical practice by any member of the regulated health care profession
- Approaching and co-operating with substitute decision makers in assessing the client's wishes and best interests in the event of incapacity
- Protecting the client's physical and emotional privacy
- Collecting only that information which is relevant to the provision of health care



# PRINCIPLE 3 – Integrity in Relationships

*To practice with integrity, honesty and diligence in our professional relationships with ourselves, our professional colleagues and society*

Application – Commitments to clients are demonstrated by:

- Ensuring that we always act in our client's best interest as defined by the client's wishes and consistent with the standards of practice of the profession
- Informing the client about health care services available to support them
- Referring to her health care providers when necessary and appropriate
- Obtain assistance when value conflicts arise which threaten to impede client autonomy
- Provide client centered health care which includes the following:
  - Explaining to the client and advocating for his/her right to receive information about, and take control of his/her healthcare
  - Providing information about the proposed treatment, alternative course of action, material effects, risks and side effects in each care and the consequences of not having the treatment
  - Assisting the client to comprehend information
  - Responding to questions about our client's health care/treatment

# Continued

Application - Commitments to self are demonstrated by:

- Being proactively committed to our own health and personal and professional development
- Being competent, conscientious and empathetic practitioners
- Being aware of our personal values and being able to identify when value conflicts interfere with client care
- Keeping our professional commitment by integrating massage values and principles into our daily practices

Application - Commitment to professional colleagues are demonstrated by:

- Respecting our colleagues and working co-operatively with them
- Intervening in situations where a client's safety/well being is in jeopardy
- Reporting to appropriate authorities any regulated health care practitioner that abuses a client physically, verbally, sexually or financially
- Referring to other health care providers when necessary and appropriate
- Contributing to continuous quality improvement initiative
- Upholding standards and guidelines of the profession
- Advocating with other health care professional to promote and support social changes that enhance individual and community health and well being
- Representing ourselves honestly and performing only those services for which we are qualified

# PRINCIPLE 4 – Responsibility to Society

*To be accountable to society and conduct ourselves in a manner that fosters and promotes high ethical standards*

Application – Ethical practice is demonstrated by:

- Pursuing continued career long professional learning
- Advocating for and supporting a client's ethical and moral rights
- Participating in the promotion of the profession of massage therapy through advocacy, research and maintenance of the highest possible standards of practice
- Being committed to promoting the welfare and well being of all persons in society
- Making every reasonable effort to ascertain that our clinical environment will permit provision of care consistent with the values in the code of ethics
- Committing to continuous improvement and implementation of standards of massage practice
- Collaborating with members of other health professions to meet the health needs of the public
- Continuing to develop ways to clarify massage therapist's accountability to society

# Autonomy

Free to choose the actions we undertake

Involves self governance

Determines their own course of action

# Non-maleficence (Maleficence – the doing of harm or evil)

Do not harm

Not only actual harm but also the risk of harm

Requires you to be thoughtful and act carefully

At fault innocently if by omission

# Beneficence (the state or quality of being kind, charitable or beneficial)

Positive actions or steps to help others

Involves prevention of harm, removal of harm and provision of benefit

A duty to help clients further their interests

# Justice (giving to each their right or due)

## Justice desert

- Acting justly towards someone when we give them what is owed
- What they deserve and rightly claim
- Forms our sense of justice

## Distributive Justice

- The distribution of benefits and burdens in society conceived as a profitable enterprise structured by moral, legal and cultural rules and principles

# Ethical Decision Making

An ethical decision is made using the guidelines of the code of ethics and the standards of practice

- Some general guidelines to maintain the sanctity of therapeutic relationships are:
- Is the decision in the client's best interest?
- Could the decision damage the therapeutic relationship?
- Is the therapist being respectful of the power of imbalance and/or the transference effect? (client transferring thoughts, feelings, behaviours related to someone else onto the therapist)
- Does the decision create a dual relationship, thus injuring the therapeutic relationship?
- Does the decision take us beyond our scope of practice, our training and expertise, or the confines of informed consent?

Some ethical dilemmas are not just the question of right or wrong but more which action will do the most good and the least harm

In certain cases a RMT may decide to seek out an ethical committee



# Three Steps in Ethical Decision Making

# 1. Identifying the Ethical Issues and Problems

- Gather all the facts (clinical, personal, legal)
- Identify the values operating the situation
- Determine how differences in values affect the situation

*Objective : To identify ethical issues / dilemmas and explore options to resolve them*

## Ethical Issue

- Lead to ethical problems
- The same for everyone
- Identifies areas of concern, regardless if there is a problem

*\*ethical issues are at hand in every case however ethical problems are not\**

## Ethical Problem / Dilemma

- A situation that no matter what a person does, the result will be something that is not desirable
- An either/or situation from which no clearly correct response arises
  - Primary Problem - Always the one that presents the broad issue
  - Secondary Problem - Results from the primary problem

*\* both problems are clear and distinct from one another\**

*\*\*Personal biases can cause us to overlook or discount some information, this can result in misdirected thinking, not all facts will be considered and an incorrect solution may be a result \*\**

## 2. Identifying Alternatives for Action

- For each problem a list of possible outcomes
- Each possible outcome backed with good sound reasons which include clear actions
- A conscious thought pattern to assist in making the best choices
- Need to look at the situation from different perspectives and angles (thinking outside the box is sometimes needed)

# 3. Assuming and Justifying your Position / Selecting and Justifying an Alternative

- A justifiable alternative can be explained (reasons can be given to show how you reached that conclusion)
- Questions that you must prepare for:
  - Why did you decide to do that?
  - Why did you decide to do it that way?
- Being able to present your argument in a logical well thought out way
  - reasons must be relevant to the point of issue
  - must have enough relevant reasons in order to make your case

\*try to anticipate any arguments that may come your way\*

# To review

1. Identify the problem
2. Develop alternatives for action
3. Resolve the problem by choosing one of the alternatives
4. Formulate a justification for your selection

# Cultural and Ethnic Differences

No one is culturally neutral, we have all been brought up with different ideas, values, beliefs and we form judgments from these

In a therapeutic setting we need to be neutral and open to understanding where the clients may be coming from

We need to be comfortable enough to let go of any judgments

What may work for us may not work for the client

Quite a few clients can only see what they know, therefore if you recommend something to them, they may not be as open to it as others

Culturally learned assumptions influence the ways in which we perceive reality and how we act

Massage Therapist need to be aware of other cultural views especially when it comes to nudity, disrobing and touching (ex. Muslims and exposing the body)

An approach to client care that thoughtfully considers cultural differences and respects these differences as valid and unique parts of this person

Extending beyond our personal norms and beliefs involves:

- Desire to understand your client
- Willingness to learn about your client
- Not judging others traditions and being open to learn about them
- Not judging their beliefs or values or viewpoints
- Being aware of our own biases and beliefs
- Understanding that cultural beliefs are just that – Beliefs (they are not right or wrong)
- Need to be objective and stand back to look at every angle without judgment
- Need to put aside our prejudices – remember human rights

\*Acceptance creates a space and opportunity to learn about each other\*



# Working with Disabled Clients

We need to work with the person not the disability

Be open about our own feelings about working with the disabled

Sometimes it brings on fear

Some misconceptions that may come up are:

- Since the person is physically disabled they are also mentally or emotionally incapacitated
- They may have a limited capacity to enjoy life
- They can not have outside hobbies or interests

# The Elderly

Most elderly remain active and are consistently contributing on one way or another

Not all elderly people have serious health concerns

A huge number have taken up fitness and keeping healthy

Inflexibility is more of a personal thing rather than age related

They are open to new ideas and viewpoints

They can be going through some huge transitional period of their life (losses of any sort)

**\*\* Bottom line – treat everyone with respect and dignity.**

Be open to their individual needs.

Hear them, understand them and recognize that they may be different from you.

Be open and present to each session with a client despite any differences that may be there.

Look at these differences as a learning tool to be a better therapist. **\*\***

# Client Abuse and Client Neglect

- Client neglect is defined as unintentional physical or emotional harm that the client sustains resulting from insensitivity or lack of knowledge on the therapists part
  - Eg. A therapist mistaking a cyst for a trigger point
  - Eg. A therapist that rather than providing emotional support steps over into a “counselor” role and gives advice
- Ways to avoid client neglect are:
  - Stay with one your scope of practice
  - Develop a cautious and professional attitude
  - Continue with your education
  - Have professional boundaries
- Client abuse is defined as physical or emotional harm that the client sustains from deliberate acts of the therapist
- Abuse can be in the forms of physical, emotional, sexual or financial

# Terminating a Session

Rarely does a therapist have to terminate a session due to an inappropriate statement or action of a client. On the rare occasion that a therapist may be forced to do so they must be prepared to deal with the situation.

Here are some important guidelines to follow:

- Remove your hands from the client and step back towards the door
- Tell your client that the massage is over
- Inform the client that you will wait outside while he/she gets dressed
- Avoid answering any questions until the client is dressed and out of the massage room
- In such cases, asking for full or partial payment would be inappropriate
- If the circumstances leading to the session are extreme, or if the therapist works alone and is frightened, call someone and stay on the phone until the client leaves
- Lock yourself in a room as a safety measure until the client has left
- Document the events that led to the session termination and what actions were taken



# Fees and Payment Policies

## COMMUNICATION / PUBLIC HEALTH STANDARD 2

Inform the Client of the Fees and Obtain His/Her Agreement to a Fee Schedule

Conditions:

- Given a client who has come to you for massage therapy

Task:

- Inform the client of the fees and obtain his/her agreement to a fee schedule

Standard:

Quality / Technical:

- Ensuring that your fee schedule is posted in a location where clients may see it or a copy provided to the client.
- Ensuring that you explain the rates for a massage therapy appointment to the client including what part of the treatment time will be used for taking a health history and assessment / reassessment.
- Ensuring that you explain to the client your policy with regard to cancellation of appointments.
- Providing the client with an opportunity to ask questions about the rate and fee schedule.
- So that any charges that deviate from the set schedule have been agreed to by the client and documented in the clinical notes with the reasons and agreement indicated.

Timing:

- When the client arrives to his/her first appointment or prior to arrival.