



Ethics In Case Management

**SCWCEA 35th Annual Educational Conference
on Workers' Compensation**

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ETHICS



“What you do speaks so loudly that I cannot hear what you say.”

— Ralph Waldo Emerson

CRCC and CDMS

CRCC and CDMS ethics credits will be provided for this session. The following CRCC and CDMS Codes pertain to the content of this presentation.

- CRCC Code of Ethics:

- Section A: The Counseling Relationship*

- Section L: Resolving Ethical Issues*

www.crccertification.com



- CDMS Rules of Professional Conduct (RPC)

- Section 1: Relationship With All Parties*

- Section 2: Provision of Services to Individual Clients*

- Section 3: Provision of Services to Organizational Clients*

www.cdms.org



Learning Objectives

- Gain an appreciation of the importance of ethical behavior and ethical decision-making in case management practice.
- Identify transdisciplinary principles that apply to case management practice.
- Become familiar with current trends involving ethics in case management.
- Become familiar with a systematic process of ethical decision making.
- Identify how ethics are related to current SC rules and regulations.
- Understand best practices for case managers/rehabilitation consultants.

ethics



Main Entry: **eth·ic** 🗣️

Pronunciation: \e-'thik\

Function: *noun*

Etymology: Middle English *ethik*, from Middle French *ethique*, from Latin *ethice*, from Greek *ēthikē*, from *ēthikos*

Date: 14th century

- 1 *plural but sing or plural in constr* : the discipline dealing with what is good and bad and with moral duty and obligation
- 2 **a** : a set of moral principles : a theory or system of moral values <the present-day materialistic *ethic*> <an old-fashioned work *ethic*>
b *plural but sing or plural in constr* : the principles of conduct governing an individual or a group <professional *ethics*>
- 3 *plural* : a set of moral issues or aspects (as rightness) <debated the *ethics* of human cloning>

ETHICS:

A system of moral principles; the branch of philosophy dealing with human values and moral conduct. The science of moral duty or the science of the ideal human character.



What Are Ethics?

- Ethics are about behavior.
- Ethics are about a Code of Ethics.
- Ethics are about Right vs. Right.
- Ethics are about personal and professional values.
- Ethics are about our impact on others.
- Ethics are about maintaining our standards under difficult circumstances.
- Ethics are about what happens to our grandchildren three times removed.

Why Ethics?

- Good ethics is good business.
- It reduces systemic problems.
- It reduces employee turnover.
- Morale and productivity are increased.
- Your reputation is enhanced.
- Studies show that individuals and corporations prefer to do business with ethical organizations.

Why Ethics? (continued)

- It's the right thing to do!
- Good ethics keep you out of time-consuming litigation.
- Good ethics keep you out of jail.



Trends and Issues For Case Managers

Business As Usual?

1. The customer is always right
2. It's company policy
3. The check is in the mail
4. He's in a meeting
5. Yes, it's decaf

What lies do you tell?



Trends and Issues For Case Managers

Julia A. Rieve, RN, BSHCM, CCM, CPHQ, FNAHQ

Ethics Chair – Commission For Case Management Certification (CCMC)



Trends and Issues For Case Managers

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1. Organizational Ethics
2. Directly or In-directly Employed by the Insurance Company/Utilization Review (UR)
3. Privacy/HIPPA
4. Compact States – RN License Issue
5. Patients' Rights to Refuse Case Management
6. Lack of Appropriate Resources
7. Patients/Consumers – Directly Contacting the CCMC

Content Themes of Ethical Dilemmas by Rehabilitation Counselors

Theme	Frequency of Mention
Confidentiality	47
Conflicts of interest	31
Employer or payer pressures	28
Technology	22
Miscellaneous	18
Client boundary issues	17
Scarce resources and allocation	13
Changing client populations	12
Diversity or discrimination	9
Client choice and autonomy	8
Profession's problems	6
Family role or issues	4
Training, education, and competence	4
Ethical knowledge and skills	4
Unsure or no response	16

Dual Relationships for Healthcare Professionals



What is an Ethical Dilemma?

- An ethics problem is created when two or more moral/ethical values conflict with each other.
- Different approaches can create different results – both seem right.
- A course of action seems right in some ways and wrong in other ways.

Ethical Decision Making

- Identify the problem or dilemma.
- Identify the potential issues involved
 - Recognize differences in value systems.
- Gather Relevant Information.
 - Review the standards.
 - Review the relevant ethical codes.
 - Know the applicable laws and regulations.

Ethical Decision Making (continued)

- Obtain consultation(s) and use support(s).
- Consider possible and probable causes of action.
- Enumerate the consequences of various decisions.
- Decide on what appears to be the best course of action.
- Follow-up to determine if the solution has worked.
Does it need amending?



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The Nurse Practice Act and other S.C. Board of Nursing policies are available in the S.C. Board of

Nursing's website:

www.llr.state.sc.us/POL/Nursing

Click on Laws/Policies



American Nurses Association (ANA) Code of Ethics

American Nurses Association (ANA)

www.nursingworld.org

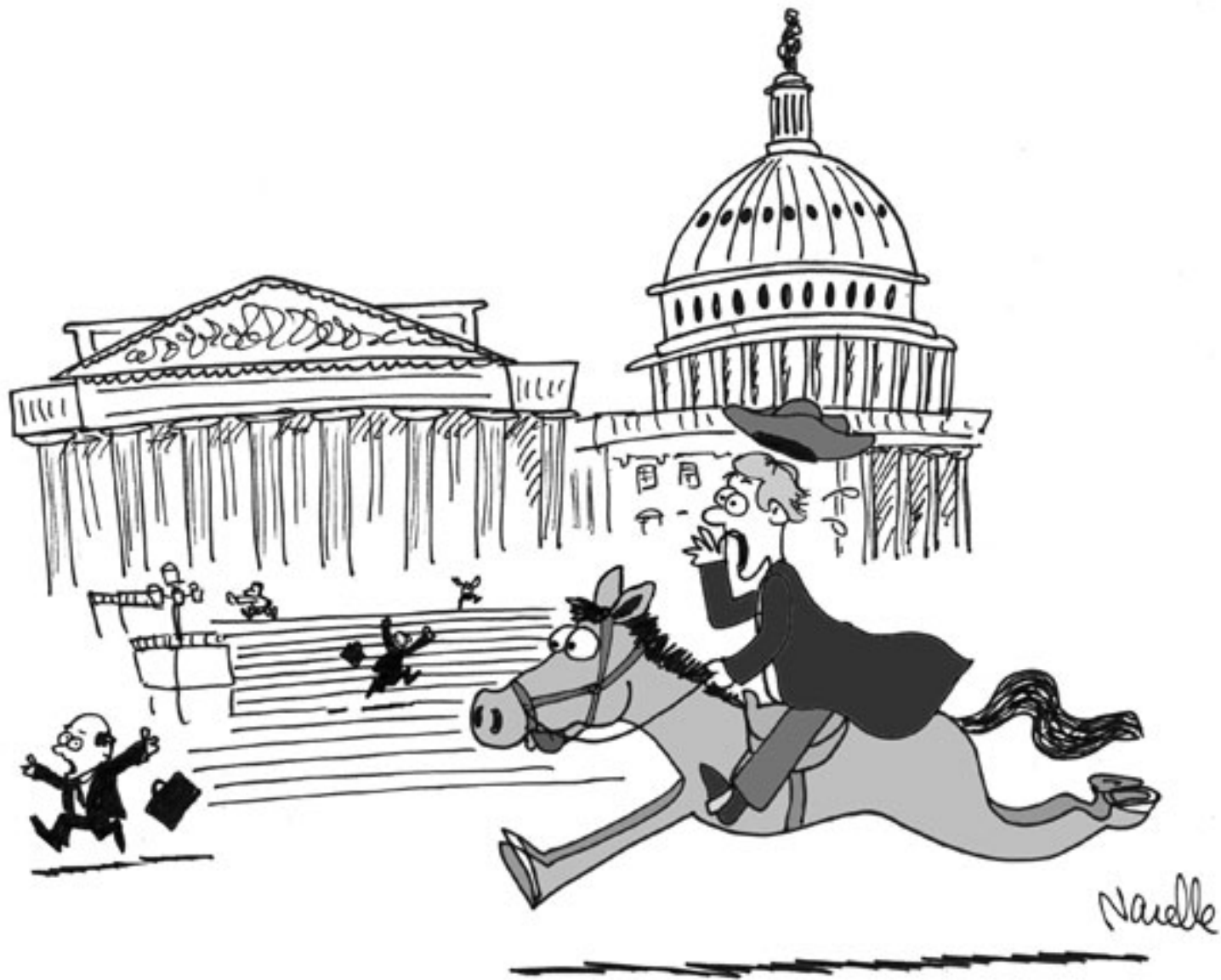


How Professionals Can Deal With These Issues

- Know who you are.
- Know your strengths.
- Know your weaknesses.
- Know how to communicate effectively.
- Use self-disclosure carefully and sparingly.

How Professionals Can Deal With These Issues (continued)

- Know the patient's rights.
- Avoid personal relationships with patients/family. (Dual Relationships)
- Honor our commitment to helping others.
- Put yourself in the shoes of your patient.
- Take care of yourself and have a life of your own.



The facts are coming! The facts are coming!

South Carolina Workers' Compensation Rules, Regulations, & Managed Health Care Provisions

- New Regulations Approved Jan 13, 2010 and Effective February 26, 2010
- R. 67-1307. Rehabilitation Professionals.
- R. 67-1308. Communication Between Parties and Health Care Providers.
- Available at South Carolina Worker's Compensation Commission: www.wcc.state.sc.us

R.67-1307. Rehabilitation Professionals

- Rehabilitation professionals are coordinators of medical rehabilitation services, including but not limited to state, private, or carrier based, whether on site, telephonic, in or out of state.
- The role of a rehabilitation professional is to ensure that the primary concern and commitment in each workers' compensation case is to advance the medical rehabilitation of the injured worker.
- A rehabilitation professional must comply with S.C. Section 42-15-95 and R.67-1308 when communicating with a health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought. A rehabilitation professional shall possess one of the following certifications:

Certifications/License



- Registered Nurse (RN)
- Certified Rehabilitation Counselor (CRC)
- Certified Registered Rehabilitation Nurse (CRRN)
- Certified Disability Management Specialist (CDMS)
- Certified Occupational Health Nurse (COHN)
- Certified Case Manager (CCM)

Common Attributes Across Disciplines

- **Autonomy:** To honor the right to make individual decisions, self-governing within their social and cultural framework.
- **Beneficence:** To do good to others, to promote the well being of clients.
- **Nonmaleficence:** To do no harm to others.
- **Justice:** To be fair and give equality to others.
- **Fidelity:** To be faithful; to keep promises and honor the trust placed in you.
- **Veracity:** To be honest.

**Rehabilitation
professionals shall be
subject to the
requirements, rules,
regulations, and Code of
Ethics specific to their
license and certification.**

R.67-1308.

Communication With Health Care Providers



A. A health care provider who provides examination or treatment for any injury, disease or condition for which compensation is sought under the provisions of this title may discuss or communicate an **employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments** with the insurance carrier, employer, their respective attorneys or **certified rehabilitation professionals** or the Commission without the employee's consent.

B. The claimant must be:

1. Notified by the employer, carrier or their representative requesting the discussion or communication with the health care provider in a timely fashion, but no less than **ten (10) days notice unless the parties agree otherwise.** Notification may be oral or in writing.
2. Allowed to attend and participate with claimant's attorney, if any.
3. Advised by the employer, carrier or their representative requesting the discussion or communication prior to the discussion or communication.
4. Provided a copy of the written questions at the same time the questions are submitted to the health care provider and provided a copy of the response by the health care provider.

Case Scenarios



Best Practices For Case Managers/Rehabilitation Consultants

- ✓ Maintain open communication with injured worker and/or attorney from beginning of case.
- ✓ Explain role to injured worker/attorney and agree to what will happen- for example-will attend each appointment, send letter with questions each time?, what about 10 days rule for MD appt, for PT appt?
- ✓ Provide copies of case management reports to all parties.
- ✓ Obtain signed medical release if possible.
- ✓ Know The SC Guidelines, Code Of Ethics For Your Certification(s) And Standards Of Practice For RN.

Best Practices For Case Managers/Rehabilitation Consultants

- ✓ Always advocate for the injured worker.
- ✓ Let injured worker know they have right to a private exam.
- ✓ Keep good documentation.
- ✓ If asked to attend exam, document in report.
- ✓ Avoid dual relationships.
- ✓ Avoid errors and/or omission(s) of treating physicians' medical recommendations.
- ✓ Avoid emailing and texting with the injured worker. Remember to use "Netiquette" when communicating professionally and using technology.

Conclusions



Ethical Choice

Ethics and morals may sometimes require us to forgo business or other professional opportunities. In the long run however, we will all be better served by doing what is right.



Ethical Choice

“When the great scorer comes to mark against your name
He’ll mark not that you won or lost but how you played the
game.” - Grantland Rice



The Essence of Character Development

Watch your Thoughts.
They become your Words.



Watch your Words.
They become your Actions.



Watch your Actions.
They become your Habits.



Watch your Habits.
They become your Character.



Watch your Character.
It becomes your Destiny.



REMEMBER: Honor is a gift you
give yourself!



Resources

- International Associates of Rehabilitation Professionals (IARP): www.rehabpro.org
- The Commission on Rehabilitation Counselor Certification (CRCC) www.crc certification.com
- Commission for Case Manager Certification (CCMC): www.ccmcertification.org
- Certification of Disability Specialists (CDMS): www.cdms.org
- Certified Rehabilitation Registered Nurse (CRRN): www.rehabnurse.org
- Certified Occupational Health Nurse/Specialist (COHN/COHN-S): www.abohn.org
- American Nurses Association (ANA): www.nursingworld.org
- Tarvydas, V. & Burros-Bailey, M. (2010). Ethical Dilemmas of Rehabilitation Counselors: Results of an international qualitative study. *Special issue on ethics in rehabilitation counseling from the Rehabilitation Bulletin; Journal of Applied Rehabilitation Counseling; and Rehabilitation Professional*, 18(2), 55-64.
doi:10.1177/0034355210368566

Resources (continued)

- S.C. Board of Nursing: www.llr.state.sc.us/POL/Nursing
- South Carolina Worker's Compensation Commission: www.wcc.state.sc.us
- **“Interpreting Competency Based Practice Scopes The South Carolina Scope of Practice Decision Tree”** *Palmetto Nurse – South Carolina Board of Nursing Vol.6, No. 2*
- Paul M. Deutsch Ph.D., CRC, CCM, CLCP, FIALCP
- Roger O. Weed, Ph.D., LPC, CRC, CDMS/R, CCM, FIALCP, FNRC Professor and Coordinator of Graduate Rehabilitation Counselor Training & Distinguished Professor, Georgia State University Alumni Association Counseling & Psychological Service
- Christine Reed, Ph.D., CRC Professor, Rehabilitation Counseling Virginia Commonwealth University
- www.albion.com/netiquette/corerules.html
- Julia A. Rieve, RN, BSHCM, CCM, CPHQ, FNAHQ; Ethics Chair – Commission For Case Management Certification (CCMC)
- Nancy Alexander, JD, MSW, LCSW, ACSW, DCSW, C-ASWCM/ IARP

Thank You!

