Choppy Waters: Ethical Icebergs in Case Management
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November 1 2016
• Definitions
• Review ethical guidelines
• Clinical Scenarios
• Application of ethics
• Discussion and questions
• Adjourn
“Case management is a collaborative process of assessment, planning, facilitation, care coordination, evaluation, and advocacy for options and services to meet an individual’s and family’s comprehensive health needs through communication and available resources to promote quality cost effective outcomes”

CMSA, 2010
REFER TO ETHICAL GUIDELINES
Case managers should behave and practice ethically, adhering to the tenets of the code of ethics that underlies his/her professional credential (e.g., nursing, social work, rehabilitation counseling, etc.).

- Awareness of the five basic ethical principles and how they are applied: beneficence (to do good), non-malfeasance (to do no harm), autonomy (to respect individuals' rights to make their own decisions), justice (to treat others fairly), and fidelity (to follow-through and to keep promises).

- Recognition that a case manager's primary obligation is to his/her clients.

- Maintenance of respectful relationships with coworkers, employers, and other professionals.

- Recognition that laws, rules, policies, insurance benefits, and regulations are sometimes in conflict with ethical principles. In such situations, case managers are bound to address such conflicts to the best of their abilities and/or seek appropriate consultation.

Source: Case Management Society of America, Standards of Practice for Case Management, Revised 2010©
<table>
<thead>
<tr>
<th>CCMC–Certificants</th>
<th>will place the public interest above their own at all times.</th>
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<tr>
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<td>will respect the rights and inherent dignity of all their clients.</td>
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<td>will always maintain objectivity in their relationships with clients.</td>
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<td>will act with integrity in dealing with other professionals to facilitate their clients achieving maximum benefits.</td>
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<td>will keep their competency at a level that ensures each of their clients will receive the benefit of services that are appropriate and consistent for the client’s conditions and circumstances.</td>
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<td>will honor the integrity and respect the limitations placed on the use of the CCM® designation.</td>
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<td>will obey all laws and regulations.</td>
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<td>will help maintain the integrity of the code.</td>
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A certificant

will not intentionally falsify an application or other documents.

will not be convicted of a felony.

will not violate the code of ethics governing the professional upon which the individual’s eligibility for the CCM designation is based.

A certificant

will not lose the primary professional credential or licensure upon which eligibility for the CCM designation is based.

will not violate or breach the Standards for Professional Conduct (i.e., professional misconduct).

will not fail to pay required fees to the CCMC.

will not violate the rules and regulations governing the taking of the certification examination.
Delivers care in a manner that preserves and protects patient autonomy, dignity, and rights.

Maintains patient confidentiality within legal and regulatory parameters.

Serves as a patient advocate assisting patients in developing skills for self advocacy.

Maintains a therapeutic and professional patient-nurse relationship with appropriate professional role boundaries.

Demonstrates a commitment to practicing self-care, managing stress, and connecting with self and others.

Contributes to resolving ethical issues of patients, colleagues, or systems as evidenced in such activities as participating on ethics committees

Reports illegal, incompetent, or impaired practices.

Advanced Practice RN

- Informs the patient of the risks, benefits, and outcomes of healthcare regimens.
- Participates in interdisciplinary teams that address ethical risks, benefits, and outcomes.

Nursing Role Specialty

- Participates on multidisciplinary and interdisciplinary teams that address ethical risks, benefits, and outcomes.
- Informs administrators or others of the risks, benefits, and outcomes of programs and decisions that affect healthcare delivery.
“the nurse is to provide services with respect for the inherent human dignity, worth, and uniqueness of every individual, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems”

ANA Code, 2001, p. 1
RESOLVING ETHICAL DILEMMAS

- thorough documentation and effective communication;
- support from physicians and other healthcare providers;
- administrative involvement and active participation of the organization’s ethics committee;
- supportive political system that advocated for patients’ rights;
- support and commitment by the administration to organizational ethics and philosophy of care;
- available and accessible community resources and network systems.

O’Donnell, 2007
BARRIERS TO RESOLVING ETHICAL DILEMMAS

- indifference of organization toward case management goals;
- poor communication and documentation among disciplines;
- lack of organizational support structures such as Ethics Committee, Physician Advisors, etc.;
- limited resources and access to community network and support groups.

O’Donnell, 2007
### Anticipate
- patient/family needs and utilize appropriate community resources to address such needs

### Acknowledge
- your own values and limitations and respect patient/family’s right to make their own choices/decisions

### Educate
- patient and family and/or significant other

### Keep
- an open-mind, never give-up, and always stay focused

### Keep
- abreast of the latest developments in legal and regulatory rules affecting case management and healthcare in general

O’Donnell, 2007
CHALLENGES
Case management as a balancing act

O’Donnell, 2007
Involves framing contentious options

O’Donnell, 2007
Speak for vulnerable individuals

O’Donnell, 2007
Feel enormous responsibility without power

O'Donnell, 2007
• Your role is as a case manager is in a faith-based hospital that has a mission to support underserved and diverse community members. Often the legal status of patients and family members is questionable, frequently it is clear that they are illegal immigrants.

• Dolores has been admitted for COPD, possibly as a result of chronic smoking, working in coal mines, and being exposed to environmental toxins. Although Dolores continues to decline, requiring additional treatment, her family shares with you their background and cultural values reject traditional medical treatment and, instead focus on traditional spiritual healing.

• They request to have a shaman present and perform traditional rituals for Dolores in her hospital room.
RESPONSES

Determine what aspects of ethics are contained in this case
Marjorie, age 46, is receiving treatment for chronic pain. She has been non-responsive to a number of standard treatment protocols. Complaints about medication being insufficient persist.

Family members discuss concern regarding Marjorie’s pain. They state she has experienced 8 residential treatment programs since age 35, primarily due to her opiate problems. Apparently she was prescribed OxyContin and Percocet for an auto accident, then purchased opiates on the Internet.

Eventually Marjorie transitioned to heroin with her arms and legs documenting IV drug use. Marjorie requests prescriptions for morphine, Vicodin, OxyContin for her ongoing pain.
RESPONSES

Determine what aspects of ethics are contained in this case.
• Ezekiel, age 85, displays significant dementia, struggles with activities of daily living, and congestive heart failure. Although cardioverted a number of times, it is clear that Ezekiel has only a short matter of time to live.

• He completed a power of attorney several years ago stating no extraordinary measures and DNR orders. However, today, Ezekiel states that he wants to live, does not believe in withholding medical procedures—in direct contrast to the medical power of attorney on file.

• In addressing this with Ezekiel, he appears confused, stating he would never have initiated or signed such a document. Family member state this is clearly a departure from the Ezekiel they have always known, and that he is not competent to make a clear decision that changes the filed power of attorney.
RESPONSES

Determine what aspects of ethics are contained in this case
Tasha, age 52, is receiving home care through visiting nurse services. She has been diagnosed with a rare form of terminal cancer. Tasha is determined to overcome her condition, engaged in a series of treatments, including volunteering for experimental clinical trials.

In your role as case manager, you serve as an advocate to an interdisciplinary team consisting of physicians, pharmacists, nurses, social workers, researchers, recipient rights advisors, program administrative staff, and utilization review officers. An experimental clinical trial is being initiated, and Tasha’s medical condition makes her appropriate to be in the experimental group.

The team has decided to place her in the control group due to insistence from the physician and insurance representative that her medical response might not be as positive and constructive as they would prefer in the experimental group. You have received a mandatory gag order to not inform Tasha or her family about the upcoming clinical trial.
RESPONSES

Determine what aspects of ethics are contained in this case
Advocate for policy changes and system reform

Identify, measure and report outcomes

Serve competing obligations

Recognize and gain skills about interdependence of multidisciplinary team

Enhance and promote educational opportunities addressing ethical dilemmas

Increase knowledge about organization’s cost, access, and quality decisions

Examine how rules and regulations conflict with professional judgment

O’Donnell, 2007
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References