

Advisory Opinions & Resolving Ethical Dilemmas

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Jeffrey E. Carlisle, M. A. CRC, CDMS

Existence of Advisory Opinions in Everyday Life

- Given millions of times a day around the world;
- It takes a minimum of two to participate;
- Can be sought from multiple sources;
- Requestor is free accept or reject advice received;
- Asking another for their input on anything is requesting an advisory opinion.

Advisory Opinions in a Professional Rehabilitation Setting

- The process by which one professional describes a situation (ethical dilemma perhaps) to another professional(s) wherein the individual is conflicted over the guidance of the Code of Ethics (CRC) or Rules of Professional Conduct (CDMS) and requests input to better guide the individual in making an informed decision regarding course of action or response. *Carlisle, 2018.*

Advisory Opinions in a Professional Rehabilitation Setting

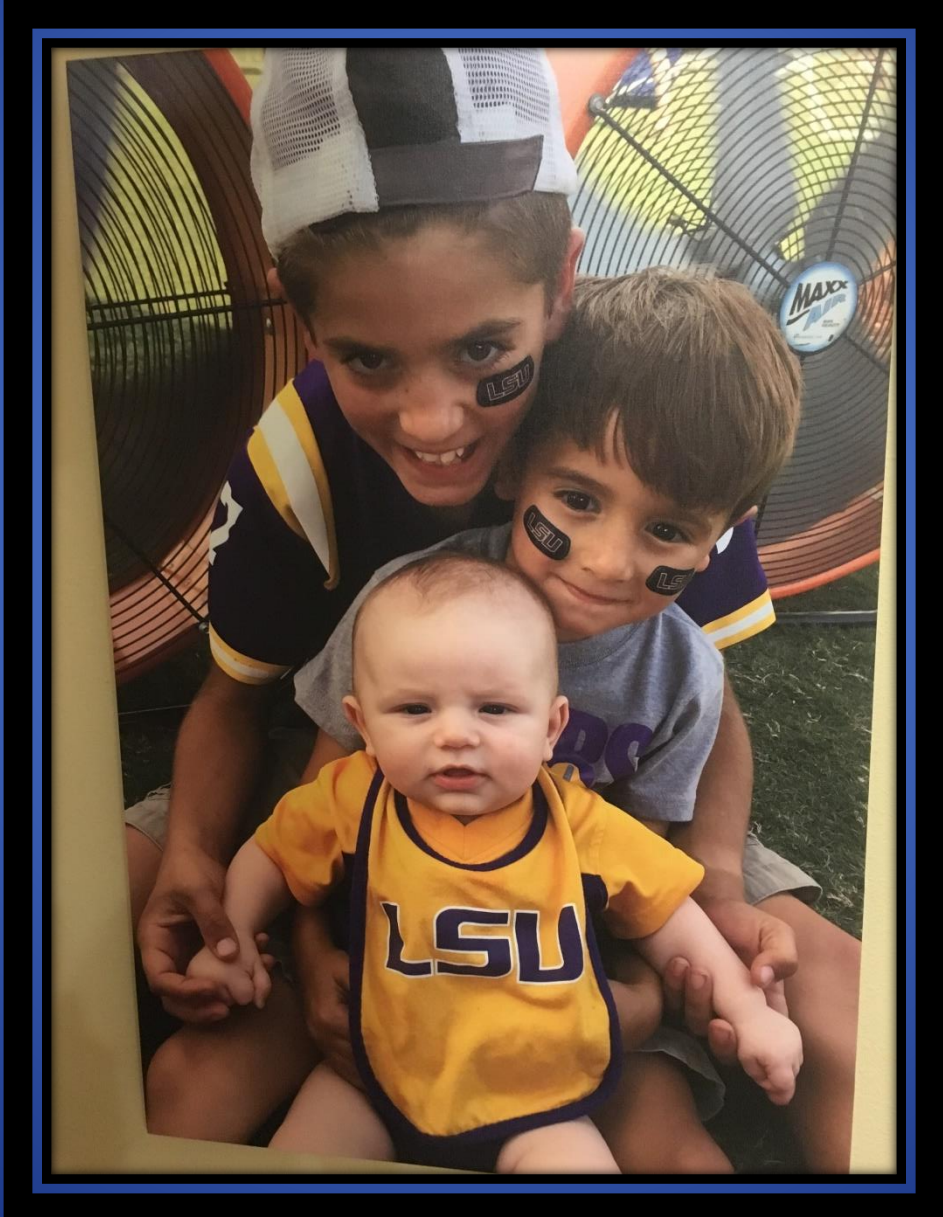
- CRCC encourages peer to peer consultation as the preferred first step;
- If such attempts do not resolve the issue, individuals can request advisory opinions from the CRCC Ethics Committee. Guidelines exist for how to submit request for advisory opinion;
- Advisory opinions of the Committee are provided as a general educational service in response to limited and unverified information.

Advisory Opinions in a Professional Rehabilitation Setting

- CDMS does not appear to have an advisory opinion mechanism in place, however, the language of the Code of Professional Conduct certainly sets the platform for certificants to consult one another regarding case situations and Rules of Professional Conduct.
- “Principles and rules of conduct must be applied by individuals of integrity who discern moral questions and, in good faith, seek to make reliable ethical judgments.” *Preamble; CDMS Code of Professional Conduct, September 2015*

Why Bother?

- I know the CRC Code of Ethics and/or the CDMS Code of Professional Conduct and I am an ethical person and a professional!
- I treat all individuals I who only evaluate (forensic) and all clients I provide service to with respect and a “do no harm” attitude!
- I adhere to the six principles of ethical behavior: Autonomy, Beneficence, Fidelity, Justice, Nonmaleficence, and Veracity! What else is there? I don't need anyone's input!



Ethics Complaint Hearings

- CRCC: Ethics Committee meets four times per year. Hearing typically held during one of those meetings.
- CDMS: Executive Committee conducts hearing at a date and time selected by Committee.

Actions Taken by Category: Fiscal Year 1994 Through 2017 (CRCC)

- Letter of Instruction: 15 (Not available until 1998. Not a “sanction” but used when minor violation occurs.)
- Reprimand: 11
- Probation: 7
- Suspension: 7
- Revocation: 27
- Total of 180 cases adjudicated by Ethics Committee from 1994 through 2017.
- Total of 151 Advisory Opinions rendered by Ethics Committee from 1994 through 2017.

Most Frequent Ethics Case Topics

- Roles and Relationship Boundaries;
- Client Rights and Welfare;
- Honest and Responsible Conduct;
- Knowledge of Ethics and Law;
- Forensic and Evaluation Practice;
- Secure and Accurate Recordkeeping.

Advisory Opinion Scenarios

- Expectation Regarding Case Outcome;
- Rehabilitation Plan Development v. Employability & Wage Earning Documentation;
- Employment Needs.

Advisory Opinion Scenario # 1

- The Committee considered a request regarding appropriate course of action to be taken when there are conflicting opinions regarding one's ability to return to work as determined by a treating physician and a physician conducting an IME.

Advisory Opinion Scenario # 2

- The Committee considered a request regarding whether it was appropriate to provide limited services such as job placement in cases where work avoidance is a concern.

Advisory Opinion Scenario # 3

- The Committee considered a request regarding whether it is ethical to proceed with the placement of a client who is currently an active substance abuser.

Committee Response: Scenario # 1

- It would be outside the scope of practice of a CRC to determine which set of restrictions or recommendations apply.
- The CRC would need to limit or discontinue services until the conflict is resolved so as to be able to recommend and conduct appropriate job placement activities not harmful to the client.
- Related Standards: A.1.c, A.3.a, and D.1.a

Committee Response: Scenario # 2

- Performing one facet of the full scope of rehabilitation services is common, however, certified individuals must still adhere to the Code.
- Must ensure that activities are consistent with Standard A.1.c and that they provide full disclosure to the client regarding their role and responsibilities. The CRC must be certain to document the limitations regarding available sources of information.
- Related Standards: A.1.c, A.3.a, E.1.b, and D.1.a

Committee Response: Scenario # 3

- Individuals must possess the requisite knowledge, expertise, and credentials where required to work with a specific population of clients. Such will correlate to the types of services directly provided versus those that should be outsourced. The CRC is obligated to practice only within their boundaries of competence.
- Work jointly with treatment team members to develop a mutually agreed upon plan with client input.
- Related Standards: A.1.c, A.3.c, D.1.b, E.3.b, L.1.c, L.2.f

In Summary

- As has been said many times by many people:
- You should avoid engaging in any behavior that would be an embarrassment to your mother; and
- You should not engage in any behavior that you would not want on the front page of your local newspaper or in your electronic news feed.