MODULE 9: OUTLINE: ETHICAL ISSUES IN PRACTICUM

Competency Objectives:

1) Demonstrate knowledge of the important ethical issues related to field supervision;
2) Describe areas of potential liability in field education;
3) Identify strategies for incorporating ethical responsibilities into practice.

MODULE OUTLINE:

A. Review of Learning Objectives

B. Legal and Ethical Issues in Field Supervision

DISCUSSION: Scenarios of Student Risk in Practicum, Strategies for Instruction

C. Areas of Potential Liability in Field Education

ACTIVITY: CURRENT STRATEGIES FOR ETHICAL FIELD SUPERVISION

D. Minimizing Liability for Field Instructors

ACTIVITY: Review
- THE FOUR BOX MODEL OF ETHICS CONSULTATION (Jonsen)
- ETHICS IN COMMUNITY ORGANIZING (Hardina)

E. Supervisory Record Keeping

ACTIVITY: AREAS FOR IMPROVEMENT

DISCUSSION

Module 9 Handout Materials:
Module OUTLINE
SLIDES OF CONTENT
HANDOUT 9A: CURRENT STRATEGIES FOR ETHICAL FIELD SUPERVISION
HANDOUT 9B: THE FOUR BOX MODEL: CASE ANALYSIS IN CLINICAL ETHICS
HANDOUT 9C: GUIDELINES FOR ETHICAL PRACTICE IN COMM. ORGANIZATION
HANDOUT 9D: AREAS FOR IMPROVEMENT
COMPETENCY OBJECTIVES:
1) Demonstrate knowledge of the important ethical issues related to field supervision;
2) Describe areas of potential liability in field education;
3) Identify strategies for incorporating ethical responsibilities into practice

I. Ethical Issues Related to Field Education

- Field supervision has potential for ethical violations that could result in civil or criminal action;
- Field instructors, as supervisors, are responsible for the actions of their students;
- Field instructors have the responsibility to model ethical practice for their students.

Professional Liability in Field Education

- In the context of social work, malpractice is defined as an omission or a commission resulting in harm to a client;
- Malpractice can occur when a social worker acts in a negligent manner or fails to perform according to the accepted level of care (Cohen, 1979, Reamer, 1989);
- Research indicates that malpractice complaints in social work are increasingly being made against supervisors as a result of the actions of their supervisees (Reamer, 1995, 1998).
- These complaints are based on the legal principle of vicarious liability, which states that supervisors can be held liable for the actions of their supervises when these actions result in negligence or harm to a client (Cohen 1979, Reamer 1989).

For a supervisor to be held liable for the actions of a supervisee, two conditions must be met:

- The supervisor must have the authority to supervise the supervisee; and
- The supervisee must be acting as a representative of the agency.
- In the field placement, both of these conditions are met, as the field instructor is given the authority to supervise the student by the educational institution, and the student acts as a representative of the agency when in practicum (Zakutansky & Sirles, 1993);
Field instructors must understand the responsibility and provide an appropriate level of supervision throughout the placement to reduce the potential for liability.

DISCUSSION:
- Solicit examples of student risk and ethical challenges in participant’s experience.
- Be prepared to provide a case example if instructors cannot frame an initial scenario.
- Discuss agency tools, processes, and tips for teaching ethical practice.

II. Areas of Potential Liability in Field Education

Each of the following situations has been identified as a potential cause of malpractice action in field education (Besharov & Besharov, 1987, Zakutansky & Sirles, 1993):

- **Failure to notify clients of student status**: Clients must understand and consent to receiving services from a student;

- **Incorrect intervention**: Field instructors are responsible for overseeing the student’s assessments and plans for intervention to ensure that appropriate services are being provided;

- **Disclosure of confidential information**: Students should be provided with specific guidelines regarding the release of confidential information. Particular attention should be given to guidelines for disclosing information to governmental authorities, medical personnel, and other helping professionals.

- **Failure to protect a third party from potential harm**: Students should understand the agency protocol for notifying third parties of potential harm;

- **Failure to prevent a suicide**: Field instructors should familiarize students with agency procedures for responding to clients who are at risk for self-harm;

- **Failure to refer clients to a specialist when beyond their level of skill**: Field instructors must insure that students are providing services according to their level of skill and are making referrals for more complex or specialized services;

- **Professional misconduct**: Field instructors should monitor student/client relationships for any indications of dual or sexual relationships. Cultural and macro level practice values should be made explicit if students are likely or expected to have close ties to small or distinct communities.

- **Failure to report child abuse or neglect**: Field instructors must insure that students understand reporting requirements and any agency policy regarding these regulations.

This list is not comprehensive; any ethical violation or lack of care can result in malpractice. Students and supervisors should review the NASW Code of Ethics for applications within the agency.
ACTIVITY: STRATEGIES FOR ADDRESSING ETHICS IN FIELD INSTRUCTION

Part 1: Strategies for Ethical Field Supervision

Objective: To identify methods field instructors use to incorporate ethical issues into practice and identify areas for improvement.

ACCESS Handout 9A: Strategies for Ethical Field Supervision

Instructions:
- Write down any techniques you have used to incorporate some of the ethical issues discussed today in your supervision of students.
- Share your strategies in small groups / online (e.g. review of NASW Code of Ethics)
- Small groups will report to the larger participant group if in workshop format.
- Invite feedback and clarification from participants.

Minimizing Liability for Field Instructors

Field instructors are responsible for providing supervision appropriate to the student's level of skill and experience.

To minimize liability and ensure adequate supervision is provided, the following guidelines are recommended (adapted from Munson, 2002; Reamer, 1989):

- Meet regularly with students in order to review all significant client and project contacts;
- Regular review and approve all significant case and project decisions;
- Thoroughly document all supervisory conference and decisions resulting from conferences;
- Review all written documentation completed by your student and ensure any necessary corrections are made;
- Continually assess your student’s performance to ensure that tasks and assignments are appropriate for student level of skill;
- Arrange for appropriate supervisory coverage when you are away, and advise your student regarding whom to contact if you are not available;
- Provide written documentation regarding agency policies and procedures for handling situations involving clients at risk of harming themselves or someone else;
- Thoroughly review agency policies regarding disclosures of confidentiality information and reporting requirements;
- Ensure all clients are informed of your student’s status and provide your name and contact information to clients;
• Regularly discuss with your student potential ethical dilemmas and value conflicts that may arise in client and project relationships.

In addition, instructors should be aware of their responsibility to teach students about
• conflicting values in social work ethics,
• ethical dilemmas in supervision,
• ethical challenges for faculty advisors and practicum instructors, including
  o conflicting duties and responsibilities to school, agency, and student, and
  o dual relationships.

Part 2: Strategies for Addressing Ethics in Field Instruction

ACTIVITY: TOOLS FOR ETHICS CONSULTATIONS: Two Models of Ethics Analysis

Objective: To provide examples of models that can be used by field instructors to help students understand and incorporate ethical issues in practice.

ACCESS AND REVIEW: HANDOUT 9B: The Four Box Method: Case Analysis in Clinical Ethics

Instructions:
• Review: This model was designed by Albert Jonsen, UW bioethicist, for use in practical case analyses by healthcare clinicians. It establishes four domains that need to be addressed thoroughly when values are in conflict regarding patient care. By acknowledging the ethical principles underlying each domain, and by providing questions which illuminate competing interests, better clinical decisions can be made. The four domains (medical indications, patient preferences, quality of life, and contextual factors) all influence communications regarding decision-making. This model is frequently used by Ethics Committees as a standard procedure in clarifying multiple issues, and can be adapted to any clinical or direct practice setting.

• Practice: As time permits, a case scenario can be solicited or presented to give participants experience with the Four Box Method in a simulated supervision session.

ACCESS AND REVIEW HANDOUT 9C: GUIDELINES FOR ETHICAL PRACTICE IN COMMUNITY ORGANIZATION

Instructions:
• Review: Social work practitioners in community organization, policy, and administrative settings will need to review with their students the operating principles used to resolve ethical dilemmas in their specific organizations.

Clinical guidelines may or may not prove useful in macro level practice, and practicum instructors may need to identify and incorporate other frameworks for systematic review of ethics challenges.

• Hardina (2004) describes a set of guidelines for ethical practice in community organization that acknowledge practice differences and suggest alternative ways of ordering and resolving values conflicts. This example should prove helpful in illustrating that no one ethical framework serves all situations equally well.

• Practice: As time permits, a case scenario or example can be solicited or presented to participants as a simulated supervision session involving different ethics frameworks.
III. Supervisory Record keeping

To further minimize liability, field instructors should thoroughly document their supervision of students throughout the placement experience;

- Documentation should be completed in both client records and separate supervisory records.

Client Records

- Documentation by the field instructor should be included in any client records handled primarily by the student;
- Field instructor should approve and sign all significant contacts within the client record;
- Indication of supervisory conferences in which the client’s case was reviewed should be included in the client record.

Separate Supervisory Records Should Also Be Kept for Each Student

Munson (2002) suggests that separate supervisory records should include the following items:

- The supervisory contract, if used or required by the agency;
- A brief statement of supervisee experience, training, and learning needs;
- A summary of all performance evaluations;
- Notification of all supervisory sessions;
- Cancelled or missed sessions;
- Notations of cases/projects discussed and significant decisions;
- Significant problems encountered in supervision and how they were resolved, or whether they remain unresolved and why.

Part 3: Strategies for Addressing Ethics in Field Instruction

Access Handout 9D: AREAS FOR IMPROVEMENT

Instructions:
- Consider any areas in which you need to improve, based on this information about ethical and liability issues.
- Identify specific tasks you can incorporate into your practice to minimize liability. Write down areas for improvement and potential tasks;
- Share answers in small groups or online bulletin board; report to larger group.
- Seek feedback and discussion from participants about strategies and plans.
HANDOUT 9A: STRATEGIES FOR ETHICAL FIELD SUPERVISION

Instructions:
- Write down techniques you have used to incorporate some of the ethical issues discussed today in your practice with students
- Share your strategies in small groups or online bulletin board.
- Add ideas from others that you can use in student supervision.

Techniques and strategies for ethical field supervision:
**HANDOUT 9B: The Four Box Method: Case Analysis in Clinical Ethics**

<table>
<thead>
<tr>
<th>MEDICAL INDICATIONS</th>
<th>PATIENT PREFERENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Principles of Beneficience and Nonmaleficence</strong></td>
<td><strong>The Principle of Respect for Autonomy</strong></td>
</tr>
<tr>
<td>3. What are the goals of treatment?</td>
<td>3. Has the patient been informed of benefits and risks, understood this information, and given consent?</td>
</tr>
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<td>4. What are the probabilities of success?</td>
<td>4. If incapacitated, who is the appropriate surrogate? Is the surrogate using appropriate standards for decision-making?</td>
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<td>5. What are the plans in case of therapeutic failure?</td>
<td>5. Has the patient expressed prior preferences, e.g., Advance Directives?</td>
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<tr>
<td>6. In sum, how can this patient be benefited by medical and nursing care, and how can harm be avoided?</td>
<td>6. Is the patient unwilling or unable to cooperate with medical treatment? If so, why?</td>
</tr>
<tr>
<td>7. In sum, how can this patient be benefited by medical and nursing care, and how can harm be avoided?</td>
<td>7. In sum, is the patient’s right to choose being respected to the extent possible in ethics and law?</td>
</tr>
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<tr>
<th>QUALITY OF LIFE</th>
<th>CONTEXTUAL FEATURES</th>
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</thead>
<tbody>
<tr>
<td><strong>The Principles of Beneficience, Nonmaleficence, Respect for Autonomy</strong></td>
<td><strong>The Principles of Loyalty and Fairness</strong></td>
</tr>
<tr>
<td>1. What are the prospects, with or without treatment, for a return to normal life?</td>
<td>1. Are there family issues that might influence treatment decisions?</td>
</tr>
<tr>
<td>2. What physical, mental, and social deficits is the patient likely to experience if treatment succeeds?</td>
<td>2. Are there healthcare provider issues that might influence treatment decisions?</td>
</tr>
<tr>
<td>3. Are there biases that might prejudice the provider’s evaluation of the patient’s quality of life?</td>
<td>3. Are there financial and economic factors?</td>
</tr>
<tr>
<td>4. Is the patient’s present or future condition such that his or her continued life might be judged undesirable?</td>
<td>4. Are there religious or cultural factors?</td>
</tr>
<tr>
<td>5. Is there any plan and rationale to forego treatment?</td>
<td>5. Are there limits on confidentiality?</td>
</tr>
<tr>
<td>6. Are there plans for comfort and palliative care?</td>
<td>6. Are there problems of allocation of resources?</td>
</tr>
<tr>
<td>7. In sum, how can this patient be benefited by medical and nursing care, and how can harm be avoided?</td>
<td>7. How does the law affect treatment decisions?</td>
</tr>
<tr>
<td>8. Is there any conflict of interest on the part of the providers or the institution?</td>
<td>8. Is clinical research or teaching involved?</td>
</tr>
</tbody>
</table>

Ethical principles in community organization differ from clinical ethics:
- Social transformation is the primary goal of intervention;
- ‘Clients’ are constituency group members, target communities, marginalized populations;
- Practitioners and constituents must develop a critical consciousness about social and economic conditions contributing to marginalization and oppression;
- Interventions take place in partnership with constituency group members;
- Practitioners may be a member of the community in which he or she is working;
- Ethical conduct may be viewed as situational, depending on seriousness, accessibility of decision-makers, and possible risks before deciding on use of tactics;
- Short term gain for individuals may be sacrificed for long term greater good.

Conflicts of interest may be experienced differently:
- Membership in the target community is valued; personal connections and understanding of issues is a component of cultural competency;
- Conflicts may arise as communities exchange information, goods, and services;
- Friendships with constituents are essential, as is off-work appearances at events;
- Boundaries are less clear regarding personal relationships and professionalism;

Use of NASW Code of Ethics as an Ethical Rules Screen (Lowenberg & Dolgoff, 1996).
Practitioners and students can determine whether principles in the Code apply to the ethical dilemma examined. If two or more ethical principles conflict, values to be applied in descending order of importance are below: (Note: positioning of principles denote author’s interpretation).
- Principle #1: Protection of Life
- Principle #2: Equality and Inequality
- Principle #3: Autonomy and Freedom
- Principle #4: Least Harm
- Principle #5: Quality of Life
- Principle #6: Privacy and Confidentiality
- Principle #7: Truthfulness and Full Disclosure

An Ethical Decision-Framework for Organizers (Reisch and Lowe, 2000):
- Identify the ethical principles that apply to the situation at hand;
- Collect additional information necessary to examine the ethical dilemma in question;
- Identify the relevant ethical values and/or rules that apply to the ethical problem;
- Identify potential conflicts of interests and those likely to benefit from such conflict;
- Identify appropriate ethical rules and rank order them in terms of importance;
- Determine the consequences of applying or ranking the ethical rules differently

Steps for Resolving Ethical Dilemmas
- In an ethical dilemma, determine who is responsible for addressing the problem and who will benefit from the decision. Review and rank all relevant ethical values and rules.
- Consult with constituency group members or others directly affected by the decision;
- Consult supervisors, mentors or peers about conflicts, risks, benefits, consequences.
HANDOUT 9D: AREAS FOR IMPROVEMENT OF ETHICAL FIELD SUPERVISION

Instructions:

- Write down areas in which you need to improve, based on the information provided about ethical issues in practicum.
- Identify specific tasks you can incorporate into your practice to minimize liability

Areas for improving ethics instruction:

Tasks to minimize liability:
Selected Bibliography for Ethical Issues in Practicum


