Physical Therapy Ethics IV
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Program Objectives
At the end of the program, participants will be able to:
- Utilize the APTA Code of Ethics and Standards of Ethical Conduct for the PTA in resolving ethical decisions
- Recognize an ethical situation
- Apply the principles of ethical decision making to actual ethical situations presented
- Evaluate the effect of unethical practice on the patient
- Articulate the importance of ethical practice on the profession
- Learn how to refer to the NJ State Rules and Regulations to guide in making medical legal decisions

Agenda
- 5:00 pm  Registration and light refreshments
- 5:30 pm  Why is ethics so hard?
- 6:15 pm  Interactive Case Discussions
- 6:35 pm  Break
- 6:50 pm  Interactive Case Discussions
- 8:10 pm  Summary – What does ethics mean to the consumer and the professional?
- 8:15 pm  Adjourn
The Definition of Ethics
- Ethics – a philosophical study of what is right and wrong in human behavior and conduct
- Normative – what we should do
- How can we get there?
  - Look to provide a systematic reflection on and rationale analysis of our behaviors
  - Identify, understand and apply moral values to:
    - Personal decisions and character
    - Public policies and laws
    - Organizational procedure and structures

Ethics and Professions
- Is it different for us?
- Why do we need it?
  - Internal controls of practitioner behavior
  - Autonomous decision making
  - Service orientation for society
  - External recognition and acceptance by society
  - Licensure requirements

Why is it important for us to learn?
- We want/need to assume responsibility for those we care for (autonomous practice)
- Increase our commitment to providing the best in clinical decisions
- Take accountability for our behaviors
  - Human Error
  - At-Risk Behavior
  - Reckless Behavior
What are some potential situations we find ourselves in?

Ethical Compass

- We develop values, attitudes and practice patterns to negotiate through ethical situations based on:
  - A set of internalized ideas, concepts, values and duties that keep us heading in the right direction as professionals
  - It provides guidance when there are alternative pathways or behaviors
  - It provides direction and a means to analyze ethical situations

Ethical Concepts

- We have to understand and differentiate between these three related concepts that will guide our behavior:
  - Ethics: a systematic rational reflection – what should we do
  - Values: subjective standards of right or wrong: good or bad – from personal, professional, organization, social and cultural experiences
  - Laws: constitutes a legislated consensus about the minimum standard to which everyone in society will be held
Ethics and Law

### Ethics and Law

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<th>Unethical but legal</th>
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The Moral Potency Construct

- This bridges moral thought into moral action. It’s the capacity to generate responsibility and motivation to take moral action.
- You have moral potency when you express these three:
  - **Moral Ownership**: knowing that it is the person’s responsibility to act
  - **Moral Courage**: seeing actions through to their resolution and overcoming the fear that leads to inaction
  - **Moral Efficacy**: the ability to act and be successful in the action

Roadblocks to Moral Ownership

- Not taking ethical action
- Justifying unethical acts as “not so bad”
- Attributing unethical acts to external sources “our competitors do it this way”; “bad reimbursement makes us do it like this”
- Behavior is tolerated when you are one of many people doing it
The Difference...

- Is it an ethical issue or a legal issue?
  - **Ethical issue** is based on principles and standards
    - **Principles** - a fundamental law
    - **Standards** - adopted as a rule for measurement
  - **Legal issue** is based on rules and regulations
    - **Rule** - a guide for governing action; a usual way of doing something
    - **Regulation** - the act of governing or controlling. To bring under authority.

Defining Situations

- Ethical Problems
- Ethical Dilemma

Ethical Problems

- A situation that allows for clear cut answers
- There is an obvious error in judgment with a simple resolution to the problem
- Right vs. wrong
Ethical Dilemma
- Occurs when adhering to one moral norm breaks another norm
- The most difficult situation to resolve
  Requires extensive evaluation of the specifics
- Right vs. right

Individual Process
- Moral Sensitivity – being able to recognize the situation as having an ethical component
- Moral Judgment – the process of deciding what is right vs. wrong
- Moral Motivation – the process of prioritizing the conflicting values (professionalism)
- Moral Courage – resolving to act on your decisions

Define the Situation
- Issue/Problem – right vs. wrong
- Dilemma – right vs. right – you have two obligations but can’t attend to both
- Distress – you know what’s right but you are not authorized to take action
- Temptation – right vs. wrong, conflict of interest
- Silence – no one speaks up
Reflect

- Gather facts
- Review consequences
- Consider relevant laws, duties, obligations, ethical principles
- What are your professional resources guiding you to do?
- Right vs Wrong tests – legal test, gut test, front page test, mom test

RIPS Framework

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Let’s put it all to work...

Look at the cases and apply what you have learned
What have we learned?

- What is the benefit to learning about ethics and practicing ethical behavior?
  - A Just Culture - the process of attempting to manage human behavior through improved system design and behavioral choices
- Does this always work in healthcare?
  - We have to LEARN from our mistakes
    - How do we do that? We learn by holding people accountable and reviewing, teaching, talking

Three Human Behaviors

- Human error is when the mistake was not intended
- At-risk behavior is when a person chooses to do something not knowing or not ascertaining the risk
- Reckless behavior is substantial, non-justified and conscious disregard

Are we obligated to have ethical behavior?

Is healthcare ethics and business ethics different?

How do we improve it?