

Ethics and Confidentiality

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WHAT'S COVERED

This lesson will explore ethics and confidentiality by defining and discussing the following:

1. Ethics
2. Patient Confidentiality
3. Legal and Ethical Concerns

1. Ethics

Ethics is a system of morals that govern our actions, addressing questions of morality such as good and evil, or right and wrong. Developmental psychologists support the belief that most have formed an ethical standard by the time they reach junior high. Those who put their interests above others, avoid conflict, and excuse their behavior are unlikely to immediately adopt professional ethical standards (Bailey & Burch, 2016).



THINK ABOUT IT

Consider where your own ethical standards may have developed in your childhood. Were you punished after you told the truth about breaking a valuable item? Were you reinforced for following rules? Did you see your peers cheat on homework and get away with it?

There are core ethical principles that guide everyday lives and play significant roles in basic decision-making in our professions. Here are the nine core ethical principles:

1. *Doing No Harm.* Sometimes, however, harm can come to a patient inadvertently through inaccurate data collection or inadequate training.
2. *Respecting Autonomy.* This is also known as promoting independence. We should work towards patient self-sufficiency, ensuring others aren't using our services to keep the patient under their control.
3. *Benefiting Others.* The patient's welfare should always be the priority; others may request our assistance in a way that does not first benefit the patient.
4. *Being Just.* In other words, do unto others as you would have them do unto you. A treatment plan may seem logical, but consider if you would want it done to you or someone you love, to ensure there are no other, more preferable options.
5. *Being Truthful.* Being honest about skills, training, and effectiveness demonstrates reliability and promotes trust.
6. *According Dignity.* Patients deserve to be treated with respect, which we can show by giving them an

effective way to communicate their wants and needs, providing them with choices, and speaking with them in the same way in which we would expect others to speak with us.

7. *Treating Others with Care and Compassion.* Our behaviors should demonstrate our sympathy and concern for our patients.
8. *Pursuit of Excellence.* We should actively seek education and training to ensure we provide our patients with the most effective therapy.
9. *Accepting Responsibility.* When we make mistakes, we own them and take action to do better.



BIG IDEA

These core principles are the basis on which our ethical guidelines have been developed.

2. Patient Confidentiality

All information regarding a patient is privileged and cannot be released without proper written consent.

HIPAA is an abbreviation for the Health Insurance Portability and Accountability Act. It is a federal law designed to protect a patient's personal and health information and the security of that information. It specifies the patient's rights with regard to that protected health information.

It is important to note that confidentiality can be accidentally compromised through the following:

- Company name or logo that reveals diagnosis (spoken or written)
- Patient name on data sheets casually left in a public place (in a car, at a school, etc.)
- Others directly asking you who you are or why you are there
- Seeing your patient in public
- Photographs
- Social media

There are some specific instances in which we might need to breach confidentiality, such as if we know or suspect the following:

- Child abuse
- Neglect
- Suicidality
- Homicidality
- Elder abuse

3. Legal and Ethical Concerns

All professionals working with individuals with disabilities are mandated reporters. You must immediately report to the local abuse authority if abuse is suspected.

It is acceptable to report to your BCBA and have the BCBS report on your behalf. If you cannot contact a BCBA, then you need to report directly, through either 1-800-4-A-CHILD or www.childwelfare.gov.

You do not need to be the investigator; you just have to report what you saw or suspect with as much detail as possible. You do not need to prove anything.

After reporting, you must maintain confidentiality regarding the report, other than to the patient's BCBA. Continue to provide services and keep in mind that employees should act the same as before the report. The BCBA may remove a technician in certain circumstances.



SUMMARY

In this lesson, you learned about **ethics**, which are a system of morals that govern our actions, addressing questions of morality. You reviewed the nine core ethical principles that are the basis of which our ethical guidelines have been developed. You also learned about the importance of **patient confidentiality**, and that all information regarding a patient is privileged and cannot be released without proper written consent. HIPAA (the Health Insurance Portability and Accountability Act) is a federal law designed to protect a patient's personal and health information and the security of that information, specifying the patient's rights with regard to that protected health information. Lastly, you explored the topic of **legal and ethical concerns**, noting that as a professional working with individuals with disabilities, you are a mandated reporter and must immediately report to the local abuse authority if abuse is suspected.