Long-Term Care Ombudsman Program
Ethics in Advocacy and Program Management

NSLTCO Orientation

August 23, 2017
Overview of Webinar

- Ethics for LTCO, *Sara Hunt*
- Ethics and Program Management, *Bev Laubert, OH SLTCO*
- Discussion: Ethical Dilemmas
- Question and Answer
- Closing
  - Review of available resources
Sara Hunt
NORC Consultant
What is ethics?

- A set of moral principles
  - a theory or system of moral values
  - the principles of conduct governing an individual or a group
  - a guiding philosophy

Merriam-Webster online dictionary
Poll Question 1

1. Do you have a professional code of ethics associated with a degree or credential other than the Ombudsman Code of Ethics?

- Yes
- No
Code of Ethics for LTCO

- LTCO work is filled with ambiguity
  - Client/resident characteristics
  - Right or wrong courses of action unclear
  - Need to maintain credibility and work with integrity

- Code of Ethics guides actions
Poll Question 2

2. Is training on the Code of Ethics for Ombudsmen part of initial/ongoing training in your program?

- Yes
- No
Doing Ethics

- Ethics is about the process as well as what you do. It is about *how* you get there.

- Good ethics begins with good facts.

- There is always a range of morally acceptable actions.

*Glover, 2001 presentation to LTCO*
Principles for Decision-Making

- Informed consent and autonomy
- Substituted judgment
- Best interest
Substituted Judgment

- Factual information about the person
- Information about the person’s preferences based upon your knowledge
- Information about the person’s values based upon your knowledge
- What you think the person would choose
Tips for Practice

- Conflicts usually arise over the application of values, instead of over the values themselves.
- Values emerge from relationships.
- Values may evolve and change depending upon who’s involved in the conversation.
Ombudsman Action

- Identify individuals to be involved in the conversation with the resident when conflicts arise.
- Be able to tolerate ambiguity.
- The key is the process used to sort out the options and arrive at a choice.

Gibson, 1991 presentation to LTCO
3. Is there program guidance to promote consistent approaches in the “gray” areas among all Ombudsman representatives?

- Yes
- No
Questions to Ask

- What “harm” are we preventing?
- What “good” are we doing?
- What is the real issue?
- What do we need to know to make [assist] this decision?
- What are the resident’s questions or concerns?

Joan McIver Gibson, 1991
Teaching Ethics

- Code of Ethics
- Applying ethical concept
- Identify situations for self-check
  - What internal conflict am I feeling? Why?
  - Whose interests am I representing?
  - What if resident cannot express wishes?
- Provide guidance and support
- Periodic training and dialogue
Scenario #1

An Ombudsman program representative (OR) contacts you for consultation regarding a resident named Mr. Bergeron. He lives in Baywater Nursing Home, has a mental health diagnosis, and has become very aggressive recently: verbally threatening other residents and staff, pushing others, and throwing objects at anyone who enters his room.

His daughter called and asked the OR to intervene. She said other residents and some staff are demanding that Mr. Bergeron be removed from the facility, claiming they fear her dad.

The OR is seeking guidance on how to proceed before making a visit to the home.
Scenario #1 - Questions

- What are the ethical and values considerations?
- Whose interest does the OR pursue?
- How would you advise the OR to proceed?
- How could you use this situation as a training opportunity for your program?
Scenario #2

During a routine review of documentation you see that one experienced Ombudsman program representative (OR) has a high number of individual consultations and very few complaints in a facility with chronic problems that now has a ban on admissions.

You call the OR and learn that when residents and families ask if they need to consider moving to another facility, she suggests to them that they should “stay put.” She says that the other options would be a distance from the current community and too disruptive. Almost everyone who has sought her advice has decided to remain in the current facility. She is glad that she can help them.
Scenario #2- Questions

- What are the ethical considerations in this situation?
- What would you say to the OR?
- What guidance/policies and training would be helpful?
- How would you follow-up with this OR?
Scenario #3

You have been asked to join a new statewide elder abuse coalition. You know that Ombudsman program representatives (ORs) encounter numerous systemic issues related to abuse. You expect your participation will create more awareness of abuse in facilities, help coordinate efforts with other statewide entities, and clarify the role of the Ombudsman program.

One of the coalition’s goals is improve interagency coordination through case review. The other members will expect you to share cases in order to identify individual and systems issues related to abuse.
Scenario #3- Questions

- What are the ethical considerations regarding your participation?

- What information can you share without resident consent to reveal their identity? Any safeguards?

- How do you explain your role and the responsibilities of the ORs to coalition members?

- Does your participation follow the same program policies/guidelines that apply to OR work and disclosure of program information?
Resources and Training

• Resources to Review
  o Program Management - Ethics
    http://ltcombudsman.org/omb_support/pm/ethics
    ▪ Quick Reference Guide for Ombudsmen: Ethical Guide for Long-Term Care Ombudsmen
    ▪ In-Service Training Guide for Ombudsmen: Ethical Issues in Case Advocacy
    ▪ Conflict of Interest and the Long-Term Care Ombudsman Program
    ▪ Applying Ethical Principles to Individual Advocacy
    ▪ Safety, Self-Determination, and Choice in LTC: The Consumer and Ombudsman Experience (B. Laubert and M. Laubert)
    ▪ Working Through Ethical Dilemmas
  o NASOP and NALLTCO Codes of Ethics
Carol Scott, Ombudsman Specialist
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The National Long-Term Care Ombudsman Resource Center (NORC)

www.ltcombudsman.org

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