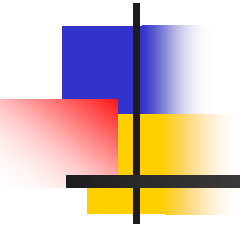


Professional Responsibility, Ethics, and Clinical Judgment

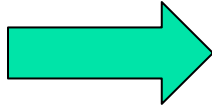
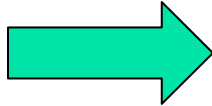
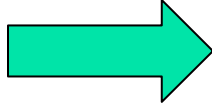
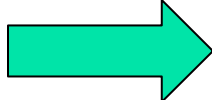




I will address:

- Professional responsibility: A framework, including four major aspects
- Ethical practice forms the foundation of personal decency, professional honor, and moral relationships to others
- Excellent clinical judgment is essential to fulfill one's professional responsibility and to enhance quality, validity, and precision of recommendations
- Ethical practice and clinical judgment both require intense ongoing self-awareness, reflection, personal development, strategies, knowledge, and skills

Professional responsibility includes four major aspects

- Best Practices 
 - Professional Standards 
 - Professional Ethics 
 - Clinical Judgment 
- **Decision or recommendation**



Professional Responsibility

- Status as a member of the profession
- Exacting standards of performance
- Lengthy training in a Professional School
- Internal monitoring by profession itself
- Personal character expectations
- Obligations to others
- High expectations and trust by society



What is/are ethics?

- (ShIPLEY: Gk *ethos*: group, group practice, custom)
- Webster's II:
 - A principle of right or good behavior
 - A system of moral principles or values
 - The rules or standards of conduct governing the members of a profession



Purposes of Codes of Ethics:

- Provide a valuable reminder of the special responsibilities of members of a profession
- Unify the widespread members of a profession to a single vision of performance
- Communicate the special responsibilities to outsiders including the public
- Specify enforceable standards of minimally decent conduct
- Indicate the values that undergird decision making



The challenge for a profession when **promulgating** a code of ethics:

- How to codify, in simple, brief, consistent, comprehensive, internally coherent, systematic way, all of the values, precepts, and rules necessary to solve dilemmas (both ways could be equally wrong or equally right) in a morally complex field.



Possible theoretical frameworks for ethics

- Utilitarianism – goal oriented, increase the greatest amount of good (happiness) for the greatest number of people. Jeremy Bentham, John Stuart Mill.
- Duty-based – goal is to do one's duty, e.g. The Ten Commandments. Kant's *categorical imperative*: the moral law is a command (imperative), not a form of advice or invitation to act or not to act; and it is an unconditional (categorical) command. "I ought." *Act so as to use humanity, whether in your own person or in others, always as an end, and never merely as a means* Duty is primary, rights are derivative of the primary which is duty.
- Rights-based – Goal is to recognize the rights of each individual. This also emerges from Kant's *categorical imperative*, but working backwards. *Act so as to use humanity, whether in your own person or in others, always as an end, and never merely as a means*. Rights are primary, duty is derivative of the primary which is rights. Each person is an end in himself or herself, not a means to someone else's end. Respect for individual autonomy. Thomas Paine, John Rawls.
- Intuitionist – case by case, what feels right.



What is special about codes of ethics in professions working with people with disabilities:

- Generally includes team decision making, and often different members of the team have different *codes* of ethics. Which code prevails?
- Some support workers may not be professionally prepared, have not learned a formal code of ethics.
- Perhaps individual or family does not have a formal code of ethics, but they have their values and general ethics.



Ethical Practice

- Generally emerges from field of philosophy and the high norms of a profession
- Ethical principles generally include autonomy, nonmaleficence, beneficence, justice, and fidelity (Sattler, p. 56)
- Ethical guidelines or codes of ethics have been developed in almost every profession and must be followed



What are the ethical guidelines of your profession?

- Where are they located?
- When were they passed?
- Who developed the code?
- How is the code different from codes of other professions?



What are the ethical guidelines of X?

e.g., Nationally Certified Educational Diagnostician (NCED) Program CODE OF ETHICS

- Privacy and Confidentiality
- Responsibilities to Individuals Undergoing Assessments
- Professional Competency
- Materials and Technology
- Professional Development
- Research and Publications



What are the ethical guidelines for higher educators of Ed Diags?

- “Supervisors and higher educators ensure that diagnosticians in-preparation and practicing diagnosticians have sufficient knowledge and experience before they utilize assessment procedures.” (NCED Code of Ethics, C.1.f.)



How do ethical conflicts arise?

?



How do ethical conflicts arise?

- Being unaware of code of ethics
- Ignoring code of ethics
- Differences in codes of ethics between two or more professionals
- Differences in identities or loyalties within an individual
- Transition between identities
- Thinking errors
- Personal ethical failures



Resolving ethical conflicts

- Recognition of a problem
- Definition of the problem
- Developing solutions
- Choosing a solution
- Reviewing the process
- Implementing and evaluating the decision
- Continued reflection (Sattler, p. 56)



What steps might you take?

- Consult with an expert in your profession
- Listen, study, and talk so that you can better understand your own position and the positions of others
- Try to understand the theoretical framework from which another person's ethics emerge
- Perhaps the end proposal will still be the same, and agreed upon by all, even though the different codes of ethics begin with different values
- Keep communicating



What are some typical ethical conflicts in your field?



NM-TEAM (2007) Vision

- “Educational assessment is a process designed to explore, document, and communicate, fairly and systematically, the unique learning and functioning of a student. In New Mexico, cultural and linguistic diversity are foundational considerations and must be considered in planning and implementing all aspects of educational assessment. The functions of assessment are diagnosis (determining eligibility), classification (grouping by selected characteristics), and planning supports (assuring services and monitoring responsiveness to instruction). Educational assessment is integrally related to student learning and teaching, and is a component of the continuous feedback loop necessary to assure that students with disabilities have access to the general education curriculum, appropriate supports for educational success, and maximum participation in school life.” (p. 2)

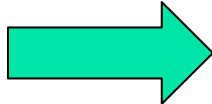


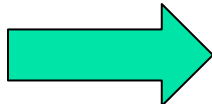


Important note:

- “It is paramount to diagnose accurately when considering eligibility under any disability category, but this is particularly true and poignant in the case of mental retardation. Misidentifying a child who has mental retardation, such as under the category of specific learning disability, is both false and misleading and can be detrimental to the life and well-being of the child and family, particularly when considering school to life transition issues. (See *Atkins v. Virginia*)” (NM-TEAM 2007) p. 74

Clinical Judgment as a component of professional responsibility



- Best Practices in ID 
 - Professional Standards 
 - Professional Ethics 
 - Clinical Judgment 
- **Decision or recommendation**



Why Clinical Judgment?

- Especially complex functioning, including behavioral and medical conditions that preclude standardized assessment alone
- Questions re validity of information
- Legal restrictions
- Cultural and linguistic diversity affects gathering and interpretation of data
- Historical information is missing and cannot be obtained
- To interpret data meaningfully in person's life and context



What is the Purpose of Clinical Judgment?

- To enhance best practices
- To enhance precision, accuracy and integrity of decision-making



Clinical judgment is:

- Special type of judgment
- Rooted in high level of clinical experience
- Rooted in high level of clinical expertise
- Emerges from extensive data
- Based on explicit training, direct experience with p/w intellectual disability, and familiarity with the person and his or her background, history, environments
- Characterized by being systematic, formal, transparent



Qualities

- Systematic (*organized, sequential, logical*)
- Formal (*explicit, reasoned*)
- Transparent (*apparent and communicated clearly*)



Clinical judgment is NOT:

- Justification for abbreviated evaluations
- Vehicle for stereotypes and prejudices
- Cover for personal sympathies
- Substitute for unexplored questions
- Excuse for incomplete or missing data
- Way to solve political problems



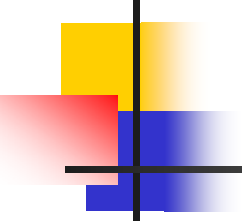
Who May Use Clinical Judgment?

- Professional who demonstrates:
 - Special *type* of judgment
 - Rooted in high level of *clinical expertise* and experience
 - Emerges *directly from* extensive data
 - Based on *training* and direct *experience*
 - Specific knowledge *of person and environment*



Clinical Judgment Strategies

1. Clarify and state precisely the question
2. Conduct or access a thorough history
3. Conduct or access broad-based assessments
4. Synthesize the obtained information



Typical thinking pitfalls or errors that can undermine ethical practice and clinical judgment

- **Affective error** (*your feelings, such as incorrect stereotypes, misplaced empathy, or what you wish were true*)
- **Anchoring error** (*the first bit of information anchors your mind on an incorrect diagnosis*)
- **Availability error** (*what happened recently or most dramatically*)
- **Blind obedience** (*what the authority figure said*)
- **Commission bias** (*do something, anything...*)
- **Confirmation bias** (*what you expect to find*)
- **Diagnosis momentum** (*piling on after an initial diagnosis*)
- **Framing effects** (*mistakenly influenced by the context*)
- **Premature closure** (*deciding too soon*)
- **Representativeness error** (*what is typically true*)



Avoiding thinking pitfalls

- The purpose of avoiding thinking pitfalls is not merely to ***avoid*** mistakes, but to ***increase*** our ethical practices and enhance the ***quality/robustness*** of our professional recommendations!



Conclusion

- Professional responsibility results from high expectations and trust by society
- Professional responsibility includes best practices, professional standards, ethics, and clinical judgment
- Ethical practice requires vigilance, insight, and knowledge
- Strategically developed excellent clinical judgment is essential



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