

Ethical Principles of Advocacy

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Samuel Jain – Santa Clara County

Chris Kraushar – Merced County

Lisa Long – Placer/Sierra County

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Statutory Duties of the PRA

- Train staff in mental health facilities about patients' rights, laws, regulations, and policies.
- Assist staff in ensuring that the information about patients' rights is posted in all facilities providing mental health services, and that all incoming clients are informed of their rights.
- Investigate and resolve complaints received from patients about violations or abuse of their rights.
- Monitor facilities for compliance with patients' rights, laws, regulations, and policies.

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Statutory Duties of the PRA

- Train staff in mental health facilities about patients' rights, laws, regulations, and policies.
- Advocate for patients and residents who are unable to afraid to register a complaint.

- Act as liaison between the advocacy program and the California Office of Patients' Rights.
- Many county Patients' Rights Advocates are also responsible for representing patients in certification review and/or capacity to give informed consent hearings.

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One Advocate / Many Hats

Images of variety of hats.

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Ethical Principles of Advocacy

PATIENTS' RIGHTS ADVOCACY SEEKS TO PROTECT AND ENFORCE THE LEGAL AND HUMAN RIGHTS OF MENTAL HEALTH CLIENTS.

Advocates represent client's interests as defined by the client, as long as those interests are within the bounds of the law and achievable within the advocate's resources. Advocates do not determine what is most "appropriate" for the client or in the client's "best interest." Rather, advocates are responsible for advising clients about their options, the implications of those options and assisting clients to make an informed choices. This perspective is different from the traditional clinical "best interest" approach and includes the following responsibilities:

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Advocates have a duty to respect the dignity, privacy and self-determination of all clients.

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Advocates have a duty to treat all those they encounter in their work fairly, honesty and with respect.

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Advocates have a duty to act within the law.

Slide 9

Advocates have a duty to work actively toward assuring that the advocacy services to which clients are entitled are not compromised.

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Advocates shall endeavor to develop partnerships with present and past recipients of mental health services to involve them directly in advocacy activities and to enrich advocacy efforts.

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Advocates have a duty to be responsive to clients' complaints and recommendations concerning the provision of advocacy services

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Advocates have a duty to honestly and accurately represent themselves including qualifications, authority and responsibilities.

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Advocates have a duty to identify and avoid actual or potential conflicts of interest which may compromise their ability to represent and safeguard the rights of clients.

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Advocates have a duty to seek consent of their client before proceeding on their behalf.

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When providing services at the request or on behalf of a client or clients, advocates have a duty to not take action inconsistent with the clients' expressed wishes.

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When a client or group of clients is unable to register their complaint, advocates have a duty to act on behalf of the client or group of clients to protect the clients' rights.

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Advocates must seek to assist clients to participate in making decisions about advocacy activities and in advocating on their behalf.

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Advocates must assure that their clients are fully informed about advocacy activities undertaken, about information which is gathered in the course of advocacy and about reasonable alternatives, implications of actions, and reasonable outcomes.

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Advocates have a duty to represent their clients competently, responsibly and in a timely manner.

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Advocates have a duty to keep information received from their clients or about their clients confidential.

Slide 21

Advocates have a duty to present facts accurately and honestly.

Slide 22

Advocates have a duty to understand applicable laws and procedures for enforcing it.

Slide 23

Advocates have a duty to know and improve their own skills and knowledge.

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When the application of more than one principle results in ethical conflict, advocates have a duty to use their best judgment in the context of the entire ethical code to resolve the conflict.

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Scenario 1

As a PRA representing clients in hearings, you get the day's hearing docket. On the list is the name of a person you know in your personal life – the parent of one of your child's friends who you have served on school and sports committees with. You were not previously aware that this friend was a mental health consumer.

- Which ethical principles of advocacy are pertinent to this situation?
- How could you handle the situation to uphold your ethical responsibilities, regarding both the hearing and also regarding future contact?

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Scenario 2

You have been monitoring the Seclusion and Restraint reporting data from the facilities in your county. You see that the S&R percentages in one facility are significantly higher. On several occasions you have met with clients who have been secluded or restrained and when questioned they will state that they feel it was unfair. They state, "I was just blowing off steam, I wasn't going to hurt anybody". You ask them individually if they want this problem to be investigated or pursued and inform them that you would be glad to help them. They state that they are too afraid that will make the staff angry and make life more difficult for them and they decline. The facility knows who you are interviewing on each visit and logs your visits so it is possible they can infer who the complainants may be.

- What are the principles involved?
- How do you proceed?

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Scenario 3

You meet with one of your clients being held in the local county jail. The client says he has not received his regular psychiatric medication since being booked and has not received out-time in five days to take a shower or use the phone. Your client is requesting information about how to sue another man on the unit who he says assaulted him. You do not know how out-time is scheduled for inmates or how medication is prescribed and administered.

Two days later, you are representing a woman who was admitted into a local PHF unit with severe depression following domestic abuse from her boyfriend. The woman says her boyfriend is a trigger for her depression and tells you she is planning on staying with him again as soon as she gets out of the hospital, but will lie during her hearing and say she will be staying somewhere else. You realize during your interview with her the boyfriend is the client you met with in jail two days prior. You know through your conversation with the boyfriend he will not be getting out of jail for quite some time.

- What ethical issues are raised with your client in jail? How do you proceed?
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- What ethical issues are raised with your client in the PHF unit? How do you proceed?

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Ethical Principles of Other Professions

- Lawyers – American Bar Association, Model Rules of Professional Conduct
 - For lawyers, clients control ends but lawyers often control means
 - For PRAs, clients control ends and means

- Social workers – National Association of Social Workers, Code of Ethics
 - Social worker ethics are based on a “best interest” model
 - PRA ethics are based on an “expressed interest” model

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Resources

- California Office of Patients’ Rights (COPR)
 - (916) 504-5800
 - COPRinforequest@disabilityrightsca.org
- PRAs list-serve
 - pras@lists.disabilityrightsca.org
- Disability Rights California (DRC)
 - www.disabilityrightsca.org
- California Association of Mental Health Patients’ Rights Advocates (CAMHPRA)
 - www.camhpra.com
 - CAMHPRA list-serve: camhpra@googlegroups.com