



Ethics, Compliance and the Activity Professional

Anthony F. Vicari EdS, ACC/EDU, AC-BC, CADDCT, CDCM, CDP

NAAP Vice President

Ethics

A system of moral principles: the ethics of a culture.

The rules of conduct recognized in respect to a particular class of human actions or a particular group.

Moral principles, as of an individual.

That branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.

The meaning of *ethics* is highly complex and sometimes even difficult to explain. Believe it or not, opinions and thoughts regarding this important subject varies widely across the minds and thoughts of many Activity Professionals.

First things first. Ethics and one's *feelings* regarding policies and procedures is not the same thing. Secondly, many Activity Professionals equate religion with ethics. Ethics covers a much broader base of professionals; both religious and non-religious. Next, being ethical is not equal to following the law. Laws, just like feelings, can differ from what is ethical. Lastly, being ethical is not equivalent to doing "whatever society accepts." In any society, most citizens accept standards that are, in fact, ethical. But, standards of behavior in society can deviate from what is ethical. Sadly, in some situations, an entire society can become ethically corrupt.

So, the question remains; what is ethics and how does ethics affect Activity Professionals? Let's think of ethics in a two-fold dimension. Ethics refers to well-founded standards of right and wrong that prescribe what Activity Professionals should be doing in terms of specific obligations that benefit the healthcare community and its residents. Ethical standards also encompass the virtues of honesty, compassion, and loyalty. Most importantly, ethical standards include policies and procedures directly related to resident rights; i.e., the right to the highest Quality of Life, the right to freedom of choice, freedom from injury, and the right to privacy.

Secondly, ethics refers to the study and development of an individual's ethical standards. As mentioned above, feelings, laws, and social norms can stray from what is ethical. It is necessary for each Activity Professional to examine one's standards ensuring that these standards are both reasonable and well-founded. Therefore, ethics also implies the continuous effort of studying our own moral beliefs and conduct striving to confirm that we, and the healthcare communities we serve, live up to standards that are equitable and wisely based.

The Final Rule to Reform the Requirements for Long-Term Care Facilities presented by CMS in October 2016, specifies that Compliance and Ethics be reviewed, evaluated, and revised during Phase 2 of its program reforms <Section 6102(b) of ACA, Compliance and Ethics Program>. It is imperative that Activity Professionals review each rule and begin thinking of ways to work with team members and begin the implementation process of these federal mandates.



The National Association of Activity Professionals' *Code of Ethics for Activity Professionals* is an excellent way to begin this review and reaffirmation process.



Preamble

The National Association of Activity Professionals and its members are dedicated to providing activity services and programs, which meet the unique needs and interests of the individuals they serve.

Principles:

I. Conduct

The Activity Professional shall maintain high standards of personal conduct and professional integrity at all times. The Activity Professional shall treat colleagues with professional courtesy. The Activity Professional shall obey the By-Laws and Code of Ethics governing all professional associations to which he/she belongs.

II. Dignity/Rights

The Activity Professional shall treat the clients/residents, members of the interdisciplinary team, and professional peers with regard towards personal dignity at all times. The Activity Professional shall respect and protect the rights -- civil, legal, and human -- of the clients/residents, members of the interdisciplinary team, and professional peers at all times. The Activity Professional shall work through appropriate channels to protect the rights of clients/residents and report abuse and exploitation to his/her supervisor immediately.

III. Confidentiality

The Activity Professional shall treat any information about clients/ residents, members of the interdisciplinary team, and professional peers as confidential. Information about clients/residents that must be shared with members of the interdisciplinary team and volunteers in the course of care shall be exchanged in a professional manner. The Activity Professional shall not discuss clients/residents and/or their families when out in public and will abide by HIPAA regulations.

IV. Empowerment

The Activity Professional shall enable clients/residents to participate in the planning and implementation of their care, as well as making independent medical, legal, and financial decisions. The Activity Professional shall mentor professional peers and promote each colleague's leadership role.

V. Participation

The Activity Professional shall enable clients/residents to maximize their potential in activity participation through adaptation, cues/prompts, protection from undue interruption, and assistance in rescheduling of other events that may interfere with the client's/resident's ability to participate in activities of their choice.

VI. Record Keeping

The Activity Professional shall maintain client/resident records in an accurate, confidential, and timely manner. The Activity Professional shall follow facility policies and procedures in the formatting of such records. In the absence of facility policy the appropriate state and/or federal guidelines shall be followed. The Activity Professional shall not falsify any documents pertaining to official clinical records of clients/residents and his/her professional associations.

VII. Professional

The Activity Professional shall participate in continuing education opportunities, strive for professional competence and excellence in all matters, ensure accurate resumes, and differentiate between personal comments/actions, official NAAP positions and/or official positions of other associations to which he/she belongs. The Activity Professional shall encourage professional peers and colleagues to participate in professional associations and accept leadership roles.

VIII. Supervisory

The Activity Professional shall treat persons he/she may supervise with dignity and respect, protect their rights, and provide accurate and fair evaluations.

IX. Communication

The Activity Professional shall strive to maintain open channels of communication with administration, other departments, families, clients/residents, and professional peers. The Activity Professional shall strive for accurate and truthful communication in all interactions.

X. Provision of Services

The Activity Professional shall provide programs – regardless of race, religion (or absence thereof), ethnic origin, social or marital status, sex or sexual orientation, age, health status, or payment source – which assist the client/resident in achieving and maintaining the highest practicable level of physical, intellectual, psychosocial, emotional, and spiritual well-being.

XI. Legal

The Activity Professional shall comply with all applicable federal, state, and local laws regarding the provision of services to clients/residents, professional peers, and colleagues.

XII. Professional Associations(s)

The Activity Professional shall comply with the By-Laws, Policies and Procedures, Standards, and Code of Ethics of the professional association(s) to which he/she belongs. The Activity Professional shall provide leadership and/or services to the associations to which he/she belongs without expectations of financial gain.

~ National Association of Activity Professionals, November 9, 2007

In conclusion, ask yourself this question; do my residents trust me? Recent studies prove that most people decide within seconds of meeting anyone whether that person is trustworthy or not. Amy Cuddy, Social Psychology Professor at Harvard Business School, spent fifteen years analyzing, evaluating and studying first impressions. Professor Cuddy found that people immediately ask themselves two specific questions when meeting someone; in this order:

*Can I trust this person?

*Can I respect this person?

We answer this first question by distinguishing an individual's warmth; the second question assesses the person's competence and achievements. This means our decisions about trust are primarily based off an emotional connection, not skills or intelligence. If someone you're trying to influence doesn't trust you, you're not going to get very far. (Cuddy, *Presence: Bringing Your Boldest Self to Your Biggest Challenges*, 2015).

As Recreation/Activity Professionals, we know very well, that without our residents' trust and support our efforts are seen as insensitive and frozen.

Thus, for us, ethics and compliance have significant connections with trust. Professor Cuddy provides the following five strategies for establishing trust that directly helps Recreation/Activity Professionals work both effectively and efficiently throughout the resident assessment and evaluation process:

1. Start with you. Why should your **residents* trust you if you don't have trust in yourself? Know that you have the skills and abilities to guide *residents* in making their own decisions.
2. Trust the *resident*. *Residents* have the answers, and it's our job to help draw them out. Don't feel put off or frustrated when they resist. Every *resident* is just trying to navigate a difficult path to an important decision, and resistance is a natural expression of fear and uncertainty. Acknowledge how they feel and celebrate that they trust you enough to tell you.
3. Be upfront. During your first interaction with a *resident*, state your intentions right away and mean it.
4. Listen. This is the most effective way to establish trust, but it's hardly the easiest. When you ask a question, shut off the voice inside your head that is dying to fill space with answers. Listen, actually listen. Stay curious. When it's your turn to speak, ask a follow-up question based on what you heard.
5. Ditch the script. Search inside yourself for the authentic desire to get to know the person on the other end of the conversation. Connect with them as a person.

*The word *resident* has been substituted for the original word used by Professor Cuddy; prospect

~ Cuddy, *Presence: Bringing Your Boldest Self to Your Biggest Challenges*, 2015

Ethics is a requisite for human life; personally and professionally. As Quality of Life Champions, it is our means of deciding a course of action. And, without it, our actions would lack direction; not only for ourselves, but also for our residents.

“Ethics; knowing the difference between what you have a right to do and what is right to do.”

~ Potter Stewart

