

Addressing ethical dilemmas in our work with persons affected by HIV/AIDS

Southeast AIDS Education and Training Center

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Objectives:

- Identify and discuss common ethical dilemmas in HIV/AIDS prevention, care, and treatment.
- Review the five principles used to guide ethical decisions.
- Apply a brief model to address ethical issues in practice.

Common Dilemmas

What are examples of possible ethical dilemmas in working in the field of HIV/AIDS?

- Think at the individual, community, and systems levels.

Common Dilemmas

A personal conflict with client / patient values

Lack of or limited resources

Concerns about workers' right to know which clients are HIV infected

Disclosure

Laws pertaining to HIV (criminalization laws, partners notification)

Dual relationships

Discrimination, bias, and stigma

At the individual level:

- Behaviors, thoughts, and feelings

At the societal level:

- Law, policy, social and environmental conditions.

Discrimination, bias, and stigma – EXAMPLES

- Making the decision to get tested
- Having access health care
- Disclosure and risk to self or risk of transmission
- Agency policies
- Laws based on beliefs not evidence/science
- Receiving poor treatment in health care and education settings
- Multiple levels of stigma related to substance use, mental health, sexual orientation, gender identity, race/ethnicity, or sex work.

Cite: HIV.gov (<https://www.hiv.gov/topics/discrimination>)

A framework for decision making

Adapted from SAMHSA National HIV and Mental Health Training Resource Center

Online at: <https://knowledge.samhsa.gov/ta-centers/hiv-aids-mental-health-resources>

Case vignette

David has been a client for 2 months, having been referred upon completing an outpatient program for a relapse (alcohol). David is married, and has tells you he loves his wife (Vanessa) and their 5-year-old child. About one month ago, David shared that he had sex with another man, Frank. He also tells you he has seen Frank several times, and recently learned Frank had tested positive for HIV.

David tells you he took an HIV test last week, and he tested positive, and has not yet told Vanessa. He also said he cut off all sexual contact with Vanessa, but she is ready to have another child, and is 'pressuring him' to have sex. David tells you that he knows he is putting his relationship at risk, and that keeping secrets is very stressful.

First...what are feelings? what are the facts?

My Feelings

- My (emotional) gut level responses
- How does/does my response influence my decisions or approach?
- How might my cultural values impact this response?

The Facts

- What are the facts as presented to me?

Second: What is your initial plan?

I believe it is best to disclose to Vanessa:

- How will the plan affect current treatment strategies?
- How will the plan affect your relationship with the client?

Third: Identify Policies and Protocols

What agency policies exist that might impact my decision?

How does the policy impact my decision (support or oppose) ?

What protocol (formal or informal) exist?

What are examples of policies in your work (current or previous) that are relevant?

- Do not provide services to clients who will not inform partners of HIV status.
- Do not provide services to clients who are actively using illegal drugs.
- All clients must provide proof of U.S. residency legal status.

Fourth: refer to your professional Code of Ethics

Social work (responsibilities)*

1. To clients
2. To colleagues
3. In practice settings
4. As professionals
5. To the social work profession
6. To the broader society

A framework for decision making

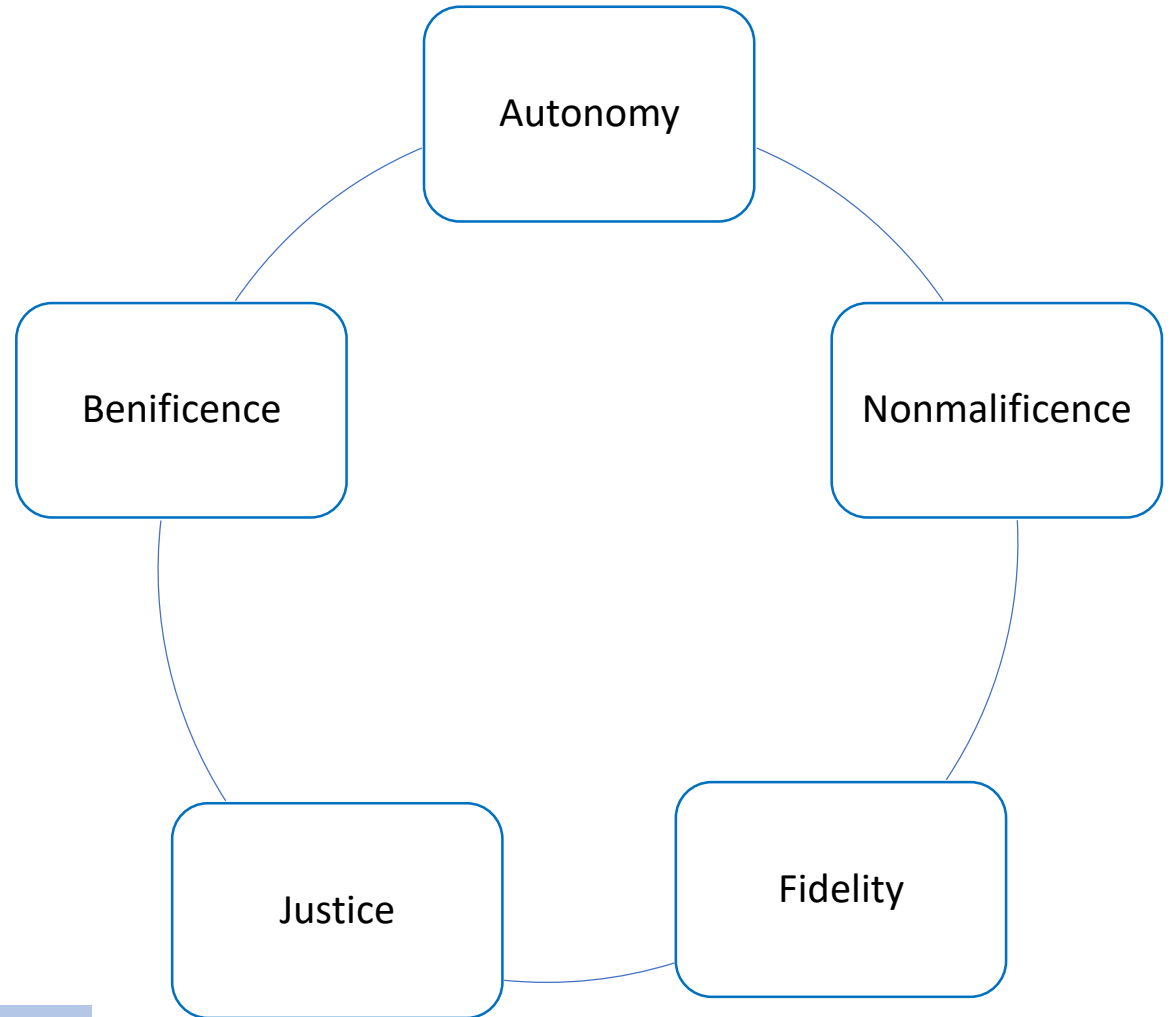
Physicians* *

- respect for human dignity and rights.
- uphold the standards of professionalism,
- respect the law
- shall safeguard patient confidences and privacy
- study, apply, and advance scientific knowledge
- choose whom to serve, associate/environment
- participate in betterment of public health.
- responsibility to the patient as paramount.
- support access to medical care for all people.

* NASW Code of Ethics (2017); ** AMA Principles of Medical Ethics (2001)

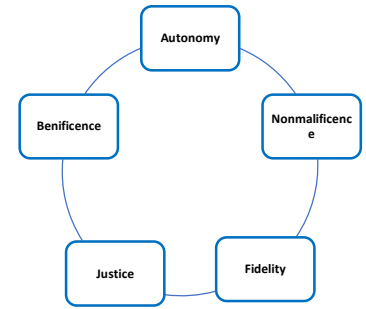
Fifth: Do a Guiding Principles Analysis

- Autonomy (self-rule)
- Beneficence (doing good)
- Nonmaleficence (no harm)
- Fidelity (promises kept)
- Justice (fairness)



A framework for decision making

How does the decision to disclose to Vanessa support/ not support the following guiding principles:



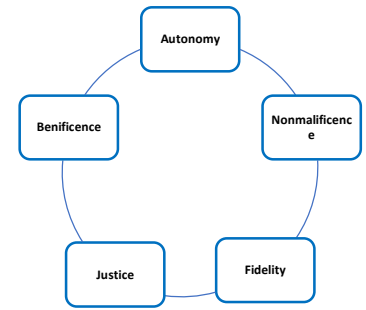
Autonomy (A)

- We are entitled to make their own decisions, as long as we have all information and understand the options (and range of options).
- connected to informed consent, determination of the client's competency to make their own decisions.

Beneficence (B)

- The obligation to improve and enhance the welfare of others.
- This presumes that the welfare of the client is primary when other considerations are equal.

How does the decision to disclose to Vanessa support/ not support the following guiding principles:



Fidelity (F)

- Keeping promises, tell the truth, and maintain respect for clients.
- We have established an implicit contract of trust (with the client) and should not be betrayed

Non maleficence (N)

- Avoiding inflicting physical or psychological harm on others and to prevent harm towards others
- Avoiding all harm or causing no harm may not be possible
- In some cases, the obligation may relate to least harm

Six: Legal Issues

Are there legal issues that we need to consider?

- For this case vignette?
- Broadly when working in the field of HIV/AIDS?

A framework for decision making

Legal Issues - Examples

- Sex work Disclosure laws
- Reporting laws
- Illegal drug use
- Immigration laws
- HIPPA
- Lack of comprehensive workplace anti-discrimination laws
- HIV criminalization laws

Final steps:

CHOOSE COURSE OF ACTION

- Share with the client, including reasoning behind the decision

IMPLEMENT COURSE OF ACTION

- Monitor and discuss outcomes
- Evaluate

Documentation & Consultation

- On-going processes
- Protects Client(s)
- Protects Provider
- Resource to help to resolve legal issues
- Clarification and objectivity issues

Thank you

Questions

Resources (please share!)