

# When Worlds Collide

## How Ethics Differ for Individuals Helping Breastfeeding Families

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and Networking Conference  
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## Faculty Disclosure

- As a lactation consultant in private practice, I charge one fee for the consult, whatever supplies are used. I have no retail operations.
- I work in private practice (doing home visits), in a large hospital with a Level III NICU (rounding on all postpartum breastfeeding mothers), and at a community-based breastfeeding clinic offering a sliding-fee scale in order to serve all mothers.
- I have written a book, and one chapter in each of two other books, about legal and ethical issues for the IBCLC. I self-published a CD-R of HIPAA privacy document templates for use by the US-based IBCLC private practitioner.
- I am the ILCA President (July 2012-14), and an elected director of the United States Breastfeeding Committee (Aug 2012-14).
- All content of this presentation is my own; my appearance is not paid by any commercial entity.

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## Objectives (90 minutes)

- (1) Identify differences in the scopes of practice for different professions serving breastfeeding dyads
- (2) Describe the difference between a professional "scope of practice" and a work place "conflict of interest"
- (3) Identify different ethical expectations for healthcare providers and volunteers serving a breastfeeding dyad

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## Our Different Hats

- Create the greatest tension for those of us serving BF mothers and babies
- Legal, ethical and professional ramifications

Image: [http://www.flickr.com/photos/library\\_of\\_congress/2163813506/](http://www.flickr.com/photos/library_of_congress/2163813506/)

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## – "Limbic brained" moms

- "The limbic brain emerged in the first mammals. It can record memories of behaviours that produced agreeable and disagreeable experiences, so it is responsible for what are called emotions in human beings. [T]he limbic brain is the seat of the value judgments that we make, often unconsciously, that exert such a strong influence on our behaviour... Our brains have evolved in such a way that they have far more connections running from our emotional systems to our cortex (the locus of conscious control) than the other way around."

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## Remember your "audience"

- Tired
- Ferocious
- Protective
- Looking for The One Right Answer

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by Dorothea Lange, 1936, for federal Farm Security Admin  
<http://www.shorpy.com/node/6654>

### “Millennial” mom

- “Generation X”: born 1965-1979
- Computer and phone are important social & learning network
- Want fast answers; quick to switch to another course of action

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Images: <http://www.flickr.com/photos/pyxopostamus/2758466865/>

### What Would People Think?

- In ethics, what matters is the “audience” perception – not your good intentions

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Image: <http://www.flickr.com/photos/dairbelle/256762610/>

- Women with binoculars

### First: easy review. What applies to everyone?

- Excellent counseling and listening skills

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Image: <http://morguefile.com/archive?display=1003088>

### What applies to everyone?

- Be sensitive to cultural differences
  - Great resource: Culture Clues™
  - “*Culture Clues™* are tip sheets for clinicians, designed to increase awareness about concepts and preferences of patients from the diverse cultures served by University of Washington Medical Center.”
  - Requirements for permission to re-use clearly stated

[www.depts.washington.edu/pfes/CultureClues.htm](http://www.depts.washington.edu/pfes/CultureClues.htm)

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### What applies to everyone?

- Ask open-ended questions
  - Avoid “yes-no” questions
  - “Tell me about BF”
  - “What can I do to help with BF?”
- Offer information -- not advice
  - “Would you like to know what others have done?”
  - “Many mothers find that ...”
  - “Can I tell you about what the research tells us?”

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## What applies to everyone?

Image: [http://news.bbc.co.uk/2/hi/uk\\_news/england/08evor434440.stm](http://news.bbc.co.uk/2/hi/uk_news/england/08evor434440.stm)

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## Good record- or chart-keeping

- To jog your memory
- To help you reconstruct a consult ... tomorrow, next week, next year
- To meet record-keeping requirements for your institution or practice
- "Contemporaneous" is the key

Image: <http://www.old-picture.com/american-history-1900-1930/Typewriter-002.htm>

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## Permission (Consent)

Image: <http://www.flickr.com/photos/hgama/350111029/>

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## Different "Helper" Roles: Why Does It Matter?

- Your role defines whether you have:
  - Licensure (or) Certification
    - Completing a course and getting a certificate is NOT the same as earning a credential
  - Watch these words:
    - certification
    - credential
    - certificate
    - certificant

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## Different "Helper" Roles: Why Does It Matter?

- Your role defines whether you have:
  - Scope of practice
  - Professional liability [malpractice] insurance
    - Usually predicated on licensure of a verifiable [allied] healthcare profession
  - Mandatory or voluntary code of ethics
  - A disciplinary system for violations
  - Recognition for reimbursement

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## Different "Helper" Roles: Why Does It Matter?

- Different roles have different ethical and legal ramifications
- Different roles are **legal** and **all okay**
- If practitioners know and stay within the limits of the role, they will **always** be practicing ethically and legally
- Worry about the ones who do NOT

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It's all about "Your Turf"

Different Roles = Turf Wars  
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- Grass is green

(c) ECB JD IBCLC FILCA Sept 2012 Image: [http://www.123rf.com/photo\\_5467534.html](http://www.123rf.com/photo_5467534.html)

- Green means money

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Image: [http://www.123rf.com/photo\\_5467534.html](http://www.123rf.com/photo_5467534.html)

Licensure

Image:  
[http://www.123rf.com/photo\\_5467534.html](http://www.123rf.com/photo_5467534.html)

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Licensure-Nurses-California

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Licensure for RDs and IBCLCs in CA:  
Not So Much

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## License May Also Define Scope of Practice (SOP)

- Sanctions for
  - Practice outside your license
    - The podiatrist who performs brain surgery
  - Practice outside your scope of practice
    - The podiatrist offers the anesthesia *along with* the ankle surgery
  - Practice negligently or maliciously
    - The podiatrist cuts off the wrong foot

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## Certification

- Unlike a license, is voluntary
- National (international!) reach
- Issued by a non-governmental private entity
- Certification provides “quality control” info to consumers about is required to earn the credential/certificate
- Certification exams are based on a scientifically-grounded occupational analysis (psychometrics)
- One can be *certified* in an area of health care ... yet not have a *license* to practice. IBCLCs!

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## Code(s) of Ethics

- Aligned with a profession, whether licensed or certified
- May be mandatory or voluntary
  - IBLCE Code of Professional Conduct (formerly called Code of Ethics) is a “must”
  - American Nurses Assn Code of Ethics is a “must”
  - Council of Medical Specialty Societies [a group of professions] Code for Interactions with Companies is “voluntary”
- Many professions are “self-policing” on ethical matters

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## IBLCE Code of Professional Conduct (mandatory)

“This Code consists of eight principles, which require every IBCLC to:”

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## American Nurses Assn Code of Ethics

“It is the profession’s nonnegotiable ethical standard.”

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## Council of Medical Specialty Societies’ Code for Interactions with Companies

“Signing on to this Code is voluntary and is not a condition of continued membership in CMSS.”

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IBLCE Scope of Practice for IBCLCs  
<http://www.iblce.org/documents/IBCLCSOP0308.pdf>

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IBLCE Scope of Practice for IBCLCs

“IBCLCs have the duty to ...”

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IBLCE SOP for IBCLCs

- “The SOP encompasses the activities for which IBCLCs are educated and in which they are authorized to engage.”
- “Protect the public”
- “As this is an international credential, this SOP is applicable in any country or setting where IBCLCs practice.”

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Scope of Practice-RN-California

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WIC Program-California-BF Support

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[http://www.nal.usda.gov/wicworks/Learning\\_Center/FNS\\_model.pdf](http://www.nal.usda.gov/wicworks/Learning_Center/FNS_model.pdf)

WIC peer counselor is a paraprofessional: Those without extended professional training in health, nutrition, or the clinical management of breastfeeding who are selected from the group to be served and are trained and given ongoing supervision to provide a basic service or function. Paraprofessionals provide specific tasks within a defined scope of practice. They assist professionals, but are not licensed or credentialed as healthcare, nutrition, or lactation consultant professionals.

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- WIC PC Scope of Practice – facilitator notes

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## WIC Peer Counselors (PCs) in hospital setting (CA): well-defined scope of practice

- They are considered hospital volunteers
- Work under mentorship, guidance of WIC IBCLC (us. after working one year as PC)
- “The WIC IBCLC models what the PC is expected to do and therefore works within the scope of a PC and not as an IBCLC. If a mom needs more help she is referred to the hospital IBCLC. The WIC IBCLC also trains the peer counselors to follow the established protocols.”

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## LLLI or similar mother-to-mother counselor: scope of practice

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“encouragement and practical information”

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## LOTS of perfectly legal “other initials”

- CLC: Lactation Counselor Certificate (HC/Amer Nurses Cred Can ANCC)
- CBE: Community Breastfeeding Educator (HC/Amer Nurses Cred Can ANCC)
- ALC: Advanced Lactation Consultant (for the non-RV IBCLC or CLC) (HC/Amer Nurses Cred Can ANCC)
- ANLC: Advanced Nurse Lactation Consultant (for the RN who is also IBCLC or CLC) (HC/Amer Nurses Cred Can)
- CLE: Certified Lactation Educator (Childbirth and Postpartum Professional Assn [CAPPA])
- CLS: Certified Lactation Specialist (Lactation Education Consultants)
- CBS: Certified Breastfeeding Specialist (Lactation Education Resources)
- “Cert-if-i-cated” Lactation Educator-Counselor (UCSD Extension [USCD])
- Lactation Specialist (Univ of CA San Diego Extension [USCD])
- Lactation Consultant (Univ of CA San Diego Extension [USCD])

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## Alphabet Soup Confusion

- Breastfeeding.com > Breastfeeding > Directory of LCs > California

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## Alphabet Soup Confusion: “Lactation Consultants Directory – California”

- “Premier Lactation Consultants” (among first 10)
  - Jane Doe, IBCLC, PT, LCCE
  - Liz Doe RN, MS, IBCLC
  - Debbie Doe, CD, CMA, LS, CBE
  - Nancy Doe, IBCLC, RLC
  - Eileen Doe, CLE, CBE (CBI), CBD (CBI)
- “Preferred Lactation Consultants” (among first 5)
  - Mary Doe, CLE, IBCLC, CIIM
  - Jean Doe, CD(DONA), CLE, HBCE
  - Sophia Doe, IBCLC, CCE, CD
  - The very fine print: “The Consultants in this directory may have a wide variety of experience and may or may not hold recognized certifications or credentials. Before retaining a lactation consultant you should review their credentials and experience to your satisfaction.”
- Full disclosure: **my** listing is on PA page
- Breastfeeding.com > Breastfeeding > Directory of LCs > California<sup>3</sup>

## SOP vs. Conflict of Interest

- So you wear more than one hat ...
- Scope of Practice is *defined* by the profession
- Conflicts of Interest *ignore* the profession

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## SOP/License and Malpractice Insurance

- Does the Breastfeeding Helper have professional liability (a.k.a. malpractice) insurance to cover his/her
  - Clinical work with mother, and
  - Paperwork associated with that clinical work?
- Does the Employer who has hired the Breastfeeding Helper (who will be in clinical contact with the mother) care if this person is eligible for insurance?

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## Insurance Basics

- Your insurance for a different or greater scope of practice (i.e. RN, MD, CNM, etc.) **MAY** also cover lactation work
- Esp. if you wear two hats: **ASK** your insurer or employer if your lactation work is covered by your existing policy

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Let’s play with this ...

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## Mother seeks advice on “unethical behavior”

- Who is defining “unethical?”
- We take our patients as we find them
  - Lactating mother with history of, or positive test for, drug use
  - Alcohol? (England vs. USA)
  - Smoking?
  - The obese diabetic mom who wants to use formula?
- How much can we share, given our scope of practice?

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## Information vs. Advice

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Image: <http://www.flickr.com/photos/usdagov/6921692538/>

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## Information vs. Advice

- Ramifications of mother acting *without* accurate information
  - Advice from "sparkleponyunicorn77@gmail.com?"
  - "Pumped milk" brought into the NICU
    - From another mother
    - From a formula bottle
    - From an almond soy milk product
- IBCLCs don't operate in a vacuum! Part of the healthcare team
- WIC PCs don't operate in a vacuum! Part of a chain of command

Image: <http://www.flickr.com/photos/love-melody/7465907888/> (c) ECB JD IBCLC FILCA Sept 2012

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## Mom's perception vs. breastfeeding helper's perception

- "You said I shouldn't nurse the baby when he was crying"
- Mothers of NICU babies in Sweden – study on "Baby Friendly" objectives

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## What if your Boss recommends unethical behavior?

Image: <http://www.flickr.com/photos/freeparking/475275583/>  
Image: <http://www.flickr.com/photos/freeparking/475275583/>

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## Assume the best ...

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## Prepare for the worst ...

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You messed up.  
Now what?

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### Works Consulted

- See separate handout

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Thank you!

- Questions? Comments?  
Corrections?

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Image: <http://tinyurl.com/8ep9bco>

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