UNDERSTANDING THE APA ETHICS CODE

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WORKSHOP DESCRIPTION

The purpose of this program is to help learners develop an advanced knowledge of the APA Ethics Code. This workshop evaluates the APA Ethics Code and its application in difficult or nuanced situations. The workshop assumes familiarity with the APA Ethics Code. There will be participant interaction and application of the Ethics Code to real life situations.

LEARNING OBJECTIVES

At the end of the program the participants will be able to:

1. Apply the enforceable standards of the APA Ethics Code in difficult or complicated situations;
2. Judge the extent to which the APA Ethics Code fulfills its intended purpose; and
3. Evaluate the extent to which the APA Ethics Code can be justified by overarching ethical principles.
ADULT LEARNING PRINCIPLES

1. Interactive
2. Short Didactics
3. Relevant

LECTURE ONE: PURPOSE OF THE CODE

How are health care professions regulated?

What is the role of the ethics code in regulating professional psychology?

Does the ethics code have other purposes?

HOW ARE HEALTH CARE PROFESSIONS REGULATED?

Professions regulated to protect the public from harm.

Some mechanisms are intended to prevent harm (graduate programs, licensing requirements, mandatory CE, etc.)

Other mechanisms punish violators (licensing boards, ethics committees, malpractice suits, etc.).
WHAT IS THE ROLE OF THE ETHICS CODE?

The ethics code establishes standards of acceptable conduct (what you cannot do, what you must do).

The APA ethics code, or some variation of it, is part of the regulations of every state board of psychology.

Pennsylvania licensed psychologists must follow the APA Ethics Code (Principle 3 (f), 49 Pa Code 41.61).

Acting legally requires a knowledge of both state and federal laws AND the APA Ethics Code.

EXAMPLE: LAWS AND ETHICS CODES

Competence:

The APA Ethics Code requires psychologists to get informed consent from psychotherapy patients including information on the “limits of confidentiality” (Standard 10.01)

Federal Law: The HIPAA Privacy Rule requires psychologists to give patients a Privacy Notice.

EXAMPLE: LAWS AND ETHICS CODES

Competence:

The APA Ethics Code requires that psychologists “undergo ongoing efforts to develop and maintain their competence” (Standard 2.03)

The PA State Board of Psychology requires 30 hours of continuing education every renewal period as a requirement for licensure renewal.
WHAT ARE GOALS OF ETHICS CODES?

- Protect public by instructing psychologists on what they cannot do (prohibitions) and what they must do (mandates)
- Serve as a guide for resolving ethical problems
- Present the ethical foundations of the profession
- Educate psychologists on ethical standards

SECONDARY GOALS

- Promote psychology insofar as it ensures the public that certain standards will be followed
- Protects psychologists from unscrupulous members of their own profession who would take short-cuts to get an economic advantage

LIMITATIONS

- No code can be entirely comprehensive. Many situations faced are too nuanced to be addressed in enforceable standards
- Need to be supplemented with knowledge of state and federal laws, and risk management recommendations
- Only enforces minimal standards of behavior. In that sense it strives to prevent the worst behavior, but does little to promote the best behavior.
THREE SECTIONS OF THE ETHICS CODE

Introduction/Applicability/Preamble: purposes and uses of code

General (aspirational) Principles: overarching ethical statement and goals

Enforceable Standards: basis of disciplining psychologists

PART ONE OF CODE: PREAMBLE

The purpose of the code and its applicability.

APA Code is binding on all members of APA (and students)

Applies to all aspects of professional life

Does not apply to personal life

WIGGLE WORDS

Such as “reasonable,” “appropriate,” “potentially,” etc.

Reasonable means “the prevailing professional judgment of psychologists engaged in similar activities in similar circumstances.”
WHY WIGGLE WORDS

- Allow professional judgment
- Eliminate injustices that would occur without the modifier
- Guard against a rigid interpretation of the code

E.g., “in their reports to payors of services . . ., psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided.” – Standard 6.06

GENERAL (ASPIRATIONAL) PRINCIPLES

“Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession.”

“General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions . . .”

Guide decision-making

WHAT ARE THE GENERAL PRINCIPLES

Beneficence/nonmaleficence
Fidelity/Responsibility
Integrity
Justice

Respect for People’s Rights and Dignity

Obligation respects for Confidentiality
SOURCE OF GENERAL PRINCIPLES

Adapted from principle-based ethics (Beauchamp and Childress and others)

- **Beneficence**: promote well-being of service recipient
- **Non-maleficence**: avoid harming service recipient
- **Fidelity**: faithfulness to promises to service recipient
- **Justice**: treat all person fairly
- **Respect for patient’s autonomous decision making**
- **General Beneficence** (public beneficence): promote well-being of society

PART THREE OF CODE: ENFORCEABLE STANDARDS

The basis for disciplinary psychologists

A list of prohibitions and obligations

- e.g., "psychologists do not fabricate data" - 8.10

Challenge - being specific enough to be helpful without being rigid and causing inadvertent harm to the public.

ASPIRATIONAL AND ENFORCEABLE

- How can we justify each of the enforceable standards?
  - We can only do so if they can rest upon some overarching ethical principle
STANDARDS OF THE ETHICS CODE

Either…

1. Directly linked to an overarching ethical principle
2. Expand upon an overarching ethical principle
3. Balance two or more overarching ethical principles

EXAMPLE

Standard 2.01 requires psychologists to be competent in what they do.

This standard can be justified primarily on the basis of beneficence (the ethical obligation of psychologists to promote the well-being of their patients). One could also identify non-maleficence as being relevant here.

STANDARDS THAT EXPAND

Other standards expand on the application of the overarching ethical principle:

- e.g., psychologists are competent when “gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language…” are relevant. 2.01 (b).

Technically it overlaps with 2.01 (a), but it was an area where special emphasis was deemed important.
Although competence is required for all psychologists, is it right for psychologists to deny services to a prospective patient undergoing a crisis that may lead to death or harm to themselves or others?

We may uphold beneficence (being competence), but risk violating non-maleficence (allowing a person to become harmed).

Examples of standards that balance principles:

2.02 (providing services in emergencies), or:
2.01 (d) services in underserved areas
3.10 (a) allowing deferral of informed consent process
4.02 (b) delaying discussions of confidentiality when it would be clinically contraindicated to do so

Some standards attempt to balance competing ethical demands, such as 3.10 (c) where psychologists can give services to patients without their consent if it is court ordered BUT psychologists must “inform the individual of the nature of the anticipated service”

Although general beneficence is behind this standard (the public benefits when courts can fulfill their function), this standard accommodates respect for patient autonomy by ensuring that patients understand what is being ordered even if their consent is not required.
LOOKING AT EACH STANDARD

Ideally, one could look at each standard and find it:

(a) directly linking to an overarching ethical principle;

(b) expanding on the application of an overarching ethical principle; or

(c) balancing overarching ethical principles.

CAN ALL THE STANDARDS BE JUSTIFIED?

Can all of the standards in the APA Ethics Code be justified on the basis of an overarching ethical principle?

Samuel Knapp and Leon VandeCreek (2004) opined that almost all (but not all) could be justified.

EXERCISE ONE: ASPIRATIONAL AND ENFORCEABLE

Your group will be assigned a section of the ethical code and asked to identify whether the standard

(1) Directly reflects an aspirational principles (of so name it or them)
(2) Expands upon or clarifies an aspirational principles (name the principle(s))
(3) Balances two or more aspirational principles (name them)
(4) Is not linked to an aspirational principle or inadequately balances them
GENERAL (ASPIRATIONAL) PRINCIPLES

- **Beneficence**
  - promote well-being of service recipients

- **Non-maleficence**
  - avoid harming service recipients

- **Fidelity**
  - faithful to promises to service recipients

- **Justice**
  - treating people fairly

- **Respect for patient autonomy in making decisions**

- **General Beneficence**
  - (public welfare) obligations to protect society at large

EXERCISE TWO

Using the overarching ethical principles and enforceable standards to think through situations encountered in a professional practice.

The goal is focus on the process of thinking through an issue.

EXAMPLE ONE: STEP ONE

Dr. Jane Doe is working in a college counseling center at ABC University and her male patient just told her that “I became close friends with my former psychotherapist at the counseling center at the university that I used to attend. She likes me more than a friend.”

What ethical standards or aspirational principles might apply?

What do we know about this situation?

What else do we need to know in order to judge the ethical behavior of the past psychotherapist?
EXAMPLE ONE:
MORE INFORMATION

The patient reports feeling very lonely since he transferred here to the ABC University. He profusely thanks the psychologist for seeing him and notes that she is very special to him and very skilled at what she does. “You are really good,” he says.

Did this new information change your thinking about the ethical standards or aspirational principles that might apply?

What do we know?

What else do we need to know?

EXAMPLE ONE:
STILL EVEN MORE INFORMATION!

Jane Doe contacted the former psychotherapist (after getting a release) who reported that the patient tended to eroticize their meetings and continually pushed boundaries. The former psychotherapist sought consultation from her supervisor on how to handle this as she appeared to be unable to get him to focus on psychotherapy. Eventually, upon instructions from her supervisor, she terminated the treatment relationship without the consent of her patient. The former psychotherapist offered to send her documentation and that of her supervisor.

EVEN MORE INFORMATION, CONTINUED

Did this new information change your thinking concerning the ethical standards or aspirational principles that might apply?

What do we know about this case?

What else do we need to know to judge the ethical behavior of the past psychotherapist?
Dr. Janet Roe is treating a 21-year-old man in her outpatient practice. The patient said, “I just tried to kill myself over the weekend,” but he refuses to allow the psychologist to notify his father (his emergency contacts) of the attempt.

What ethical standards or aspirational principles may be involved?
What do you know?
What do we need to know?

The “attempt” consisted of purchasing numerous Benadryl tablets from the drug store, although no other efforts were made after that. Other than refusing to allow his parent to be notified, the patient appears cooperative.

Did this new information change your thinking about the ethical standards or aspirational principles that may apply?
What do you know?
What do we need to know?

The man’s only other living relative is an older sister with whom he gets along well and a father whom he describes as hot-tempered and highly critical of him. He rarely speaks to his father or shares personal information.

Did this new information change your thinking concerning what ethical standards or enforceable principles might apply?
What do we know?
What do we need to know?
EXERCISE THREE: REWRITE THE CODE
Create, modify, or delete a new standard for the APA Ethics Code. If you modify an existing standard the change should be substantive; don’t just substitute synonyms for existing words or paraphrasing an existing standard. Whatever you decide to do however, you must give a rationale for the change based on principle-based ethics.

REWRITE THE CODE: BACKGROUND
Is there a principle (justice, beneficence, respect for patient autonomy) that is not adequately represented in the ethics code?
Is there an area of practice that the ethics code does not adequately address?
Can you justify the new standard on the basis of an overarching ethical principle? Does it expand on a previous standard or balance competing ethical principles?

REWRITE THE CODE: EXAMPLE
Psychologists shall not disclose information about the personal lives of their supervisees without the consent of the supervisee unless it is relevant to their competence as a future psychologist and even then, only to the training institution or licensing board. Exceptions can be made for a court order or a legally mandated report.
EXAMPLE RATIONALE

Psychologist/supervisors are obligated to promote the well-being of their supervisees (beneficence) and to avoid harming them (nonmaleficence); they have an obligation to ensure that the patients are getting good service (beneficence and nonmaleficence to the patients) and they have an obligation to ensure that the psychology trainee will become competent and capable of treating patients of their own without supervision (public beneficence). This standard protects the supervisee without compromising the other obligations of the psychologist.

OTHER POSSIBLE EXAMPLES

- When psychologists can receive gifts from patients or when psychologists use self-disclosure
- Psychologists cannot make custody recommendations without evaluating both parents
- When to give patients a copy of their psychotherapy notes
- Special standards for telepsychology
- A special standard (or section?) on ethics in integrated care settings

OVERARCHING ETHICAL PRINCIPLES

- Beneficence: promoting the well-being of service recipients
- Non-maleficence: avoiding harm to the service recipient
- Fidelity: faithfulness to promises made to the service recipient
- Justice: treating persons fairly and equally
- Respect for patient autonomy: ensuring competent decision making
- General Beneficence: promoting the well-being of society in general
TEST QUESTIONS

This educational exercise is designed to deepen your familiarity with the Ethics Code.

It is NOT part of the course evaluation.

TEST QUESTIONS- 1

1. According to the Introduction/Applicability Section of the Ethics Code, the modifying words “reasonably,” “appropriate,” and “potentially” are used to
   a. allow psychologists to use their judgment
   b. eliminate an injustice that could occur if the modifier were not used
   c. guard against the development of rigid and outdated rules
   d. all the above

TEST QUESTIONS- 2

The general (aspirational) principles of the APA Ethics Code are used to
   a. Guide psychologists in their decision making
   b. Discipline psychologists who violate them
   c. Help guide psychologists in their personal lives
   d. All the above

From General Principles
TEST QUESTIONS 3

According to the Preamble of the Ethics Code, the goal(s) of the Ethics Code is (are) to:

a. expand the scope of practice of psychologists whenever possible
b. protect the welfare of individuals with whom psychologists work
c. provide standards for all situations encountered by psychologists
d. All the above

TEST QUESTIONS 4

According to Standard 2.06, when psychologists become aware of personal problems that may interfere with their performing work-related activities they should consider

a. Surrendering their license to practice psychology
b. Limiting their personal and private obligations
c. Suspending or terminating their work-related duties
d. All the above

TEST QUESTIONS 5

According to Standard 3.10 (c), when providing services to persons legally incapable of giving consent, psychologists should nonetheless

a. seek to obtain their assent
b. consider the personal preferences of the individual
c. obtain permission from a legally authorized person, if appropriate
d. all of the above
TEST QUESTIONS - 6

According to Standard 6.04, when billing for services psychologists

a. reach an agreement regarding fees with their patients as early as feasible
b. do not misrepresent their fees
c. discuss anticipated financial limitations to services as early as feasible
d. all the above

TEST QUESTIONS - 7

Which of the following is a referral fee that violates Standard 6.07 of the APA Ethics Code?

a. Dr. Cho splits a portion of the patient’s fee with her employees
b. Dr. Hanson gives a portion of the patient’s fee to an outside referral source who refers a patient to her without providing any services in return
c. Dr. Gonzalez pays rent to another psychologist for the use of her office
d. All the above are referral fees prohibited by the APA Ethics Code

TEST QUESTIONS - 8

According to Standard 9.04, the term test data refers to

a. Patient responses to test stimuli
b. The APA Code of Conduct
c. the actual copyrighted test questions, stimuli, or test manuals
d. All of the above
TEST QUESTIONS 9

It would violate Standard 5.05 for a psychologist to solicit a testimonial from a

a. current patient
b. dependent patient who was recently discharged from treatment and vulnerable to undue influence
c. former patient who is likely to return to treatment in the near future and vulnerable to undue influence
d. all the above

TEST QUESTIONS- 10

According to Standard 5.01, the APA Ethics Code specifically restricts:

a. The use of advertisements on Web sites
b. Public representations that are in poor taste, according to the prevailing standards of the community
c. Deceptive, false, or fraudulent advertisements
d. All the above

TEST QUESTIONS 11

According to Standard 6.05, psychologists may barter with patients unless it is

a. Clinically contraindicated
b. Exploitative
c. Both of the above
TEST QUESTIONS 12

According to Standard 9.03, psychologists do NOT need to obtain informed consent for testing or assessment when

a. It has been mandated by law
b. It is part of routine educational assessment
c. The purpose is to evaluate decision making capacity
d. All the above

TEST QUESTIONS- 13

According to Standard 3.01 (a) multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

TRUE FALSE

TEST QUESTIONS- 14

According to Standard 3.02 sexual harassment could include activities that are:

a. Unwelcome or offensive
b. Create a hostile work environment
c. Are sufficiently intense to be abusive to a reasonable person
d. All the above
According to Standard 9.08, psychologists must always use the most recent standardized version of a psychological test.

TRUE    FALSE