How Well Do You Know Your Ethics?

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WORKSHOP DESCRIPTION
• This advanced workshop will review the most common and difficult ethical or legal issues faced by psychologists.
• These often occur in the areas of professional boundaries, confidentiality, licensing law, competence, and informed consent.
• This workshop, which assumes a basic understanding of ethics and Pennsylvania’s laws, will involve participant interaction.

LEARNING OBJECTIVES
• Participants will be able to known basic information about common problems areas such as:
  1. Protecting professional boundaries;
  2. Interpreting the licensing law;
  3. Determining limits of competence;
  4. Ensuring informed consent; and
  5. Other areas of ethics.

FORMAT
We start with easy questions, but then go to less easy questions, and finally to difficult questions.
In part the goal is to convey factual information, in part the goal of today is to provide you the opportunity to ask questions.

Blooms Taxonomy
1. **Knowledge** - basic facts
2. **Comprehension** - understanding basics
3. **Application**
4. **Analysis** - what principle does it reflect?
5. **Synthesis** - how does it interact with other standards or rules?
6. **Evaluation** - what is its value or worth?

Boundaries and Bloom’s Taxonomy

Knowledge: Multiple relationships are unethical if exploitative or clinically contraindicated

Comprehension: You know what exploitative and clinically contraindicated mean

Application: You can apply that principle in a particular case with a particular patient
Boundaries and Bloom

**Analysis/synthesis:** We can see how the boundary issue could impact other aspects of psychotherapy.

**Evaluation:** You value the principles or sentiment behind this rule because it supports your belief in promoting the well-being of patients and/or avoid harming them.

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BOUNDARIES

The APA Ethics Code says that multiple relationships are inherently unethical.

**TRUE**  **FALSE**

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EASIER QUESTIONS

Which is TRUE about continuing education?

a. Psychologists must receive 30 hours of CE every renewal period.
b. APA programs can offer CE programs acceptable to the State Board of Psychology
c. Teaching or writing can, under some circumstances, qualify for CE
d. All of the above

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DISCIPLINE

The most common reason nationwide for psychologists to be disciplined by a licensing board is:

a. Breaches of confidentiality  
b. Boundary violations  
c. Incompetent practice  
d. Failure to get mandatory continuing education

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FACT

The **most common reason** that psychologists get disciplined by the PA State Board of Psychology is for their failure to complete mandated continuing education requirements.

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Records

Dr. Dora Copperfield wants to get rid of her old patient records. The State Board of Psychology requires that she keep the records for a minimum of _______ years since the last patient contact.

a. 3  b. 5  c. 7  d. 10
BUT

Often insurance contracts require psychologists to keep records for 7 years. Medicare Advantage plans require psychologists (and other health professionals) to keep records for 10 years after the last patient contact.

Which are NOT true?

Psychologists must

a. Keep patient records for at least 5 years
b. Retain the raw data which includes the basis for which test results were obtained
c. Plan for the disposition of records in case of their death or disability
d. Give copies of test materials to anyone who has a sincere interest in getting them

STATE BOARD OF PSYCHOLOGY

The rules and ethics of the State Board of Psychology apply to all graduate students preparing to become psychologists

TRUE FALSE

BOARD REGULATIONS

The PA State Board of Psychology requires psychologists to adhere to all of the standards and guidelines of the American Psychological Association.

TRUE FALSE

LICENSING

The State Board of Psychology can deny a license to any individual who lacks acceptable moral character.

TRUE FALSE

APA Ethics Code

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
### APA Ethics Code

The APA Ethics Code applies to all professional work of a psychologist including telehealth services.

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### Competence

Psychologists need to have the necessary training and experience before taking on a case **EXCEPT** if there is

- an emergency
- an underserved area where the patient cannot otherwise get services
- Both a and b

### Adolescents

Estelle Havisham, a troubled 14-year-old, wishes to seek mental health treatment on her own. According to PA law she:

- Can seek treatment upon her own consent
- Needs the consent of at least one parent
- Needs the consent of both parents
- Needs consent of both parents if there is a court order of joint legal custody

### Adolescents

In PA a child may consent to mental health treatment if he or she:

- Is emancipated
- Has graduated from high school
- Is 14 years old or older
- All of the above

### Children & Adolescents

In Pennsylvania a child at any age can seek treatment for drugs or alcohol problems without parental consent.

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### Children & Adolescents

A psychologist needs the consent of both parents to treat a child under the age of 14 if the parents

- are divorced
- Do not agree on the need for treatment
- Have a court order of joint legal custody
- Are not married
FACT

The last question was tricky. Although most parents get a court order of custody when they get divorced, not all do.

The clear bright line on whether to get the consent of both parents when a child is under the age of 14 is whether there is a court order of joint legal custody.

Children & Adolescents

Dr. Bronste received a referral from Children and Youth Services to treat a child. Dr. Bronste may assume

a. Children and Youth has the legal power to consent to treatment
b. A judge has ordered treatment
c. A Guardian Ad Litem must consent
d. None of the above

COMPLEX CASE

Child tells a psychologist that she is 14 years old and requests treatment. In good faith the psychologist believes her and starts treatment. The child appears cognitively capable to give consent and participate in treatment. Only later does the psychologist learn that the child is, in fact, under the age of 14 and not legally able to consent to treatment on her own.

Discussion

In this situation, the psychologist

a. Would be liable for violating the law
b. Would not be liable because the child misrepresented her age and the psychologist had no reason to doubt her representation

STATE BOARD OF PSYCHOLOGY

When faced with an ethical issue it is useful to call the State Board of Psychology to get an opinion on how to proceed

TRUE

FALSE

STATE BOARD OF PSYCHOLOGY

Psychologists being investigated by the State Board of Psychology retain their Constitutional rights prohibiting self-incrimination and the right to an attorney.

TRUE

FALSE
The function of the State Board of Psychology is to

a. Protect psychologists  
b. Protect the public  
c. Provide advisory opinions  
d. Both a and c

Did Dr. Wilkins abandon a patient if she:

a. was so busy that he did not have time in his schedule to see a patient in a crisis?  
b. Took a vacation and did not arrange for back-up coverage?  
c. Terminated a patient who needed more treatment and did not give a referral?  
d. All of the above

Anticipating Problems

Suggestions

1. Informed consent form should have the option of discontinuing treatment for non-compliance or non-payment of services.
2. Monitor Progress

Dr. Dickens, an experienced adult therapist, wants to expand his work so that he will be working with more older adults. Dr. Dickens can be assured he is competent by

a. Taking CE courses  
b. Doing readings on his own  
c. Having his work reviewed by someone with proficiency in working with older adults  
d. Taking a graduate course in geropsychology

What Do We Know about Competence?

Which of the following are true?

a. Experts estimate that the half-life for psychological knowledge is less than 9 years.  
b. Being disciplined by the State Board of Psychology increases with age  
c. Some studies show that older psychologists have outcomes no better than younger psychologists.  
d. All of the above

Are All Psychotherapists the Same?

“Most therapists seem to be equivalent in terms of therapeutic benefits experienced by their clients. However, 15 to 20% appear to be consistently more effective whereas 15 to 20% appear to be consistently and distinctly less effective” (Hill & Castonguay, 2017, p. 328)
What Make Them Better?
Data complex and hard to interpret, but the strongest effect is on ability to form therapeutic alliance (agreement of goals, method, and collaborative focus)

Lesser effects of
1. Deliberate practice
2. Humility (healthy doubt, soliciting feedback?)
3. Facilitative interpersonal skills (empathy, warmth, problem-focus) - Wampold et al. 2017

Outcomes
Not the same across all diagnostic categories - Kraus et al.
Cultural competence improves outcomes - Hayes et al. (2017)

Relationships and Outcome
Goal agreement
Collaborative relationship
Empathy
Positive Regard
Patient feedback
Alliance development

Adapt: patient preferences, culture, and religion

More Relationships and Outcome
Probably related to outcome
Congruence
Patient expectations
Treatment credibility
Managing countertransference
Repairing treatment ruptures

What is Culture?
Dimensions: Race, ethnicity, age, gender, gender identification, disability, language, religion, SES

Intersectionality: how the dimensions interact

Cultural humility: strive for knowledge and sensitivity, but always be aware of one’s limitations

Cultural Competence
Cultural competence can be enhanced by
a. Readings
b. Workshops
c. Supervision or consultation
d. All of the above
Competence Bias

Did you know ......

• 25% of psychotherapists rated themselves in the top 10% of all psychotherapists AND
• No one rated themselves in the bottom 50%


Competence and Self-Reflection

Studies with healthcare professionals have shown implicit (unrecognized) biases among some healthcare professionals against patients who are:

• Non-White
• Overweight/Obese
• Less attractive
• More attractive
• Women

Competence and Self-Reflection-2

There is even evidence of a bias blindspot (whereby individuals view themselves as less biased than others).

Competence and Bloom

**Knowledge:** Some psychologists take precautions against competence slippage

**Comprehension:** I understand what competence slippage is

**Application:** I keep up with reading, attend meaningful CE programs, consult with peers, and seek out opportunities to stretch my knowledge

**Synthesis/Analysis:** I look at my specific areas of work and try to ensure that I do not fall behind in any of them

**Evaluation:** Maintaining competence is consistent with my value of being a beneficent healer

When Do Problems Occur?

Situational factors- areas of practice and populations

Psychotherapist factors
Problem Areas
1. Forensic or quasi-forensic work
2. Serious personality disorders
3. Evaluations with external consequences

Forensic
Are patients involved in any legal action now? Do they anticipate being in a legal action?
If so, what are their expectations of you?

Evaluations with External Consequences
• Bariatric surgery or clearance for another medical procedure
• Evaluations to carry lethal weapons
• Employment, such as employment as a police officer

Suicide
Ask all patients about suicide—ideally in both a written question and a direct question.
“Do you have thoughts of killing yourself? Have you ever had such thoughts?”

Prepare Yourself
1. Become forensically informed (know when entering into a forensic relationship)
2. Have basic skills in working with personality disorders
3. Ensure competence when doing evaluations with external consequences

Psychologist Factors
1. Lack of personal self-awareness, lack of self-monitoring—emotions block or impair good judgement
2. Lack of professional self-awareness: inability to evaluate one’s competence adequately
3. Lack of resources or unable to find resources
Self-Monitoring
Embed oneself in a professional community with continual feedback

Put yourself in situations where feedback is received (and used)

Monitoring and Outcome
Psychotherapists estimated that 4% of their patients deteriorated in treatment, but an average of 8% of patients deteriorate.

1 out of 25 patients deteriorated and psychotherapists did not identify them.

APA Ethics Code
The APA Ethics Code requires psychologists to:

a. Document informed consent
b. Have patients sign an informed consent document
c. Always get informed consent at the start of treatment
d. All of the above

FACT
The APA Ethics Code requires that psychologists document informed consent.

One way to do so is to have patients sign an informed consent agreement, although the APA Ethics Code does not specifically require this.

APA Ethics Code
The APA Ethics Code prohibits

a. Sex with current patients
b. Sex with close relatives of current patients
c. Psychotherapy relationship with former sexual partners
d. All of the above

APA Ethics Code
The APA Ethics Code does not require informed consent for

a. Archival research
b. Naturalistic observations
c. Evaluation of ordinary educational practices
d. All of the above
Problem Family

Dr. Barkus was named in a court order stating that he was to perform parenting education with a couple who were going through a stressful divorce.

Before accepting this arrangement, it would be prudent for Dr. Barkus to clarify:

a. what is meant by parenting education
b. What the court expects concerning release of records
c. The payment arrangements
d. All of the above

Problem Family

High Conflict Family

Psychologists working with high conflict families are advised to

a. Get informed consent agreements in writing
b. Clarify that they will not provide custody recommendations
c. Allow themselves the option to charge for all extra therapy contacts
d. All of the above

High Conflict Family

You have agreed to provide treatment to the children in a family where the parents have decided to divorce, but cannot agree on the parenting arrangements for their children.

Before you agree to take the family, what steps would you take to ensure that you can maintain your appropriate role as a therapist for the children?

- Additional training and expertise in working with high conflict families
- Clearly define roles, rules, and treatment plan
- Seek consultation when needed
- Document, document, document
- Keep all emails

Children & Reconciliation

You have a child patient who has also been assigned another therapist who has the job of helping the parent and child rebuild their difficult relationship (reconciliation therapy).

The child hates the reconciliation therapy and wants you to write a letter to the judge saying that this therapy is creating long term harm to her mental health.
Children & Reconciliation

Some factors that psychologists need to consider before writing this letter may include:

a. Data on the long-term outcomes among children who reconcile with parents
b. The impact that writing this letter (or not writing this letter) would have on your treatment relationship
c. Whether the temporary discomfort of the child really constitutes long term harm.
d. All of the above

Values

Identify the three qualities that you think are most important to be an effective psychologist.

Be prepared to justify your choices.

- Good judgment
- Conscientious
- Technically proficient
- Culturally Competent
- Empathic
- Self-reflective
- Polite
- Intelligent

Culture

You have started to see a patient who is a recent immigrant from a rural part of China.

Although he was reluctant to come to see you, he did so because an older relative told him it would be a good thing to do.

During your first meeting he asked a lot of questions about you, such as where you are from, what your parents did for a living, and how much you get paid.

Culture Again

You are treating a young woman from Japan who was experiencing depression following the death of her father. She appears to be improving and you expect to have a discussion on termination.

During your session she thanks you for all of your help and offers you a small box which holds a lovely decoration. You have no idea of its value—perhaps $100, you are not sure.


More Culture

How would you respond to his questions?

FYI— in rural Chinese societies, people tend to know each other well, rely heavily on friends and family members for advice, and tend to distrust outsiders.

Culture

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Even More Culture

This is the kind of “more than token” gift that you would ordinarily reject with a European or African-American patient. What is the significance of such a gift in Japanese culture?

Should you accept it? Justify your decision.

Self-Disclosure

Crossings
• Disclosing credentials
• Disclosing training
• Pictures/Awards on wall
• Artwork/dress

Potential Violations
• Disclosing own parenting style
• Describing family of origin issues
• Detailing substance use
• Outlining current stressors

Culture and Boundaries

The APA Ethics Code has no specific standard on self-disclosure or gifts. Standard 3.05 asks if the boundary or multiple relationship is exploitative or clinically contraindicated.

Summary

1. Take informed consent process seriously to facilitate agreement on goals, develop collaborative relationships, and importance of adherence to treatment
2. Keep within scope of competence, especially when forensically involved patient or evaluations with external consequences

Quality Enhancement

1. Ask all patient about suicide risk and any legal involvement
2. Always consider quality of relationship
3. Ensure basic skills in suicide and serious personality disorders
4. Embed oneself on professional community
5. Monitor one’s self both personally and professionally

Some References


Wampold, B. et al. (2017). What makes a therapist effective? (pp. 159-174). In L. Castonguay & C. Hill (Eds.). Ibid.