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CENTER FOR PRACTICE TRANSFORMATION

BOUNDARIES & ETHICS UPDATE--2021

Presented by:

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Walk-In Counseling Center
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- **Non-profit founded 1969**

- **Uses 170 professionals & advanced grad. students who volunteer**

- **Provides free no-red-tape counseling**

- **Also provides consultation & training**

- **Has a history of taking on ethical & practice challenges – helps consumers & professionals**

Standards for Conduct

- **Orginizational rules & policies**
- **Ethics codes (e.g. AAMFT, NASW)**
- **Codes of conduct (licensure related)**
- **Laws & rules (e.g. HIPAA, CFR-42, state & national laws & rules)**
- **<u>Standard of care</u>: what a reasonable & prudent practitioner would do in the same or similar circumstances (*failure to meet standard of care = malpractice*)**

Some Practical Challenges

- **Our central duty to engage – to establish a trusting relationship vs. obtaining "informed consent"**

- **Building dependency with the goal of building better independence**

- **In USA, "healthcare marketplace"**

- **Dealing with economics & societal pressures**

Our current context

- **Pandemic – remote services rather than face-to-face**

- **When will face-to-face be possible?**

- **If there is an option, how to decide which to provide?**

- **Economic insecurity -- recession**

- **Pandemic-related ethical challenges**

- **Impact of BLM & distrust of police**

Ethical Framework I Use

- **<u>Beneficence</u> – doing good; helping**

- **<u>Non-maleficence</u> – avoiding harm**

- **<u>Autonomy</u> – client's input and role**

- **<u>Fidelity </u>– consistent with what was promised**

- **<u>Justice</u> -- welfare of client vs. others; fair use of resources – having a basis to proportion them**

Ethical Decision Making

- **It is not what is ethical vs. unethical but the comparison of options & the likely consequences of each**

- **It involves identifying options – consultation often helps**

- **Then analyzing options based on how various ethical principles are carried out by doing each**

- **Document that consultation was gotten**

Decision Chart for Options
Case: reporting neglect/abuse in home

Option

- **Tell mother before**
- **Report w/ mother on phone**
- **Tell mother after**
- **Explain only if something happens**

Positive vs. Negative outcomes

Issues which may be relevant:

- **Impact on Trust**
- **Impact on working relationship**
- **Safety of the child – danger**
  - **Threatening child to be quiet**
  - **Environment – e.g. tipping off a crack house**
  - **Fleeing with the child**
- **Parent collaboration with CPS**

Remote Services

- **Competence – skills?**
- **Phone vs. picture –** *digital divide in terms of equipment.*
- **Phone vs. picture –impacts?**
- **Obtaining releases, sending records**
- **Privacy from client's end – who is in the room or nearby?**
- **challenges of transportation**
- **Risk of excessive texting, etc.**

Services to clients out of state/province/country

- **Question as to place – Jurisdiction**

- **Extra-territoriality**

- **Exec. Order (4/6/20) Out-of-state licensed mental health providers can provide telehealth in Minn. during pandemic, but must register.**

- **Other states/countries may have rules – temporary or permanent**

Out of Area, in State

- **Some people are in-state, but living out of town**
- **Some of the same problems as out of state – crisis services, supports, etc.**
- **Important to establish main resource guide for whatever area client is in**
- **Reporting duties are same, and this true if you are out of town**

Face-to-face option

- **Some substance abuse programs are still doing face-to-face currently**

- **State: issue is safety plan – social distancing, ventilation, disinfecting, & eventually probably testing**

- **Offering options vs. determining what is best choice for given client**

- **Support groups are mostly virtual**

Pandemic Related Issues

- **Increase in family tension**
- **Problems with living arrangements**
- **Difficulty in visiting family & friends**
- **Challenges to support groups**
- **Family tension & struggles over safety issues, precautions**
- **Risky behavior by family members – example of an adolescent situation**

Black Lives Matter & Similar Movements

- **Increase in awareness of racial issues & greater likelihood they will arise**

- **Greater awareness and sensitivity to items posted on social media**

- **Political polarization**

- **Using police for wellness checks or transportation to hospital**

- **Health differences = vulnerabilities**

Danger of client violence – Ethics of Warning Police/Victim

- **Beneficence? Not good for client to hurt somebody/commit crime (+)**

- **Non-maleficence? Could damage your relationship with them (-)**

- **Autonomy? Violates autonomy (-)**

- **Fidelity? Is it consistent w/ your role, what you disclosed to client? (?)**

- **Justice? Protecting others (+)**

Legal factors in duty to warn

- **Long before _Tarasoff_ case most felt a <u>moral duty</u> to prevent harm**

- **Part of the standard of care**

- **Emotional liability to practitioner**

- **States vary: statutes vs. case law**

- **May be part of licensure laws**

- **Give strong protection, but focused on narrow type of dangerousness**

Client Dangerousness

- **Dangerous Clients & the Threat of Violence**
- **Duty to warn or protect**
- **Although not licensed, trainees now protected in Minn. – states vary**
- **Variety of situations**
- **Client stalking or harassment of service provider**

Another Ethical Example: Web research -- googling

- **Now that without expense and requiring little time we can research clients…..but should we?**

- **NASW Code of Ethics (8/17): obtain consent before conducting an online search for information about clients (unless emergency sit.)**

- **Reasons for searches?**

Decision table or chart
do web research (google) a client

	Positives	**Negatives**
Never	_____	_____
	_____	_____
	_____	_____
Some	_____	_____
	_____	_____
	_____	_____
All	_____	_____
	_____	_____

Who is a client?

- **Remember definition is very broad & includes even brief contacts**

- **Follow-up can continue relationship**

- **What is "termination"?**

- **What is "abandonment"?**

- **Duty to limit care**

- **Relationships With Former Clients / Patients**

Internet posts & violence

- **We do not have empirical evidence on predictions based on posts**

- **Preliminary data suggests that posts do not in general predict**

- **In general this provides a basis for discussion and inquiry in a session, not a report**

- **Susan Klebold <u>A Mother's Reckoning</u>**

Dual or Multiple Relationships

Professionals should not engage in dual or multiple relationships with current or former clients in which there is a risk of exploitation or harm to the client. Where dual or multiple relationships are unavoidable, professionals are responsible for setting clear, appropriate, & culturally sensitive boundaries.

Text Messaging

- **Many people text instead of phone call**
- **This is an abbreviated type of message with less information;**
- **This the only way to quickly reach people who don't answer phones but text;**
- **To make, cancel, or change appointment**
- **Risk of having a conversation-social banter; or discussing client's problems**
- **A printed record can be made**

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Cell Phones: A potential treasure trove of tools

- **A practitioner can record & share clip**

- **A practitioner can make an instructional clip – a client can even film a demonstration done in office**

- **What are boundary issues in creating this sort of App or tool?**

- **What risks to client confidentiality?**

Client's Ability to Use App

- **Hardware – enough memory?**
- **Shared? (privacy issues)**
- **Client buy in? Cultural issues?**
- **Technical literacy**
- **Quality of manual**
- **Research on outcome/risks**
- **Psyberguide.org (key resource)**

Networking for support

- **<u>Pro-ana blogs</u>**: social support, ways to cope, self-expression – risk of exposure & question about identity (look up *Pro-ana* on Wikipedia)

- **<u>Pro-Mia blogs</u>**: bulemia - related

- **<u>Victims of abuse</u>**: rape and sexual assault victim bulletin boards

- **Support vs. Trigger –** endless challenges

Google & Net Research

- **Should you "Google" a client?**
  - **Emergency Room – identity issue;**
  - **Client denies suicide history but has prior attempts;**
  - **Reality check on claims by client;**
  - **Checking criminal justice history;**
  - **Screening for sex offenders;**
  - **Custody studies; adoption**

Communications & Social Media Policies

- Do you have any, and if so, how are they communicated?
    - **Email**
    - **Texting**
    - **Web research/googling**
    - **Interaction on the internet**
    - **Friending on Facebook**
- **Do you have any office rules about recording devices (e.g. cell phones)?**