

Spring Training Institute:

When Client Becomes Colleague: The Peer Movement and Ethical Considerations

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LEARNING OBJECTIVES

- ▶ Learning Objective 1: Participants will examine the current research regarding peer support services
- ▶ Learning Objective 2: Participants will be provided with an understanding and overview of the NASW Code of Ethics pertaining to Dual Relationships, Boundaries, and Confidentiality
- ▶ Learning Objective 3: Participants will define Vicarious Liability and will discuss the variety of ways that professionals and clinicians can be held accountable for Vicarious Liability or “imputed negligence”
- ▶ Learning Objective 4: Participants will look at potential ethical conflicts that may occur with colleagues and peers and discuss strategies for managing conflicts



Peers in the Workplace

THE PEER MOVEMENT: RESEARCH

What the Research Tells Us:

- ▶ Individuals who are former or current clients are obtaining jobs and roles as peers on a more regular basis (Krumm et al., 2022)
- ▶ Peer Certifications are available in various states, such as in Missouri (Missouri Credentialing Board, 2022)
- ▶ Peers provide important support services for clients in a variety of settings (Benoit et al., 2017, Korsbeck et al., 2019, Loumpa, 2012, Urichuk et al., 2018, Huisman & Van Bergen, 2019).
- ▶ In research regarding the collaboration between peers and behavioral health providers, behavioral health providers believe the relationship is equal, although roles and functions are different (Korsbek et al., 2019)





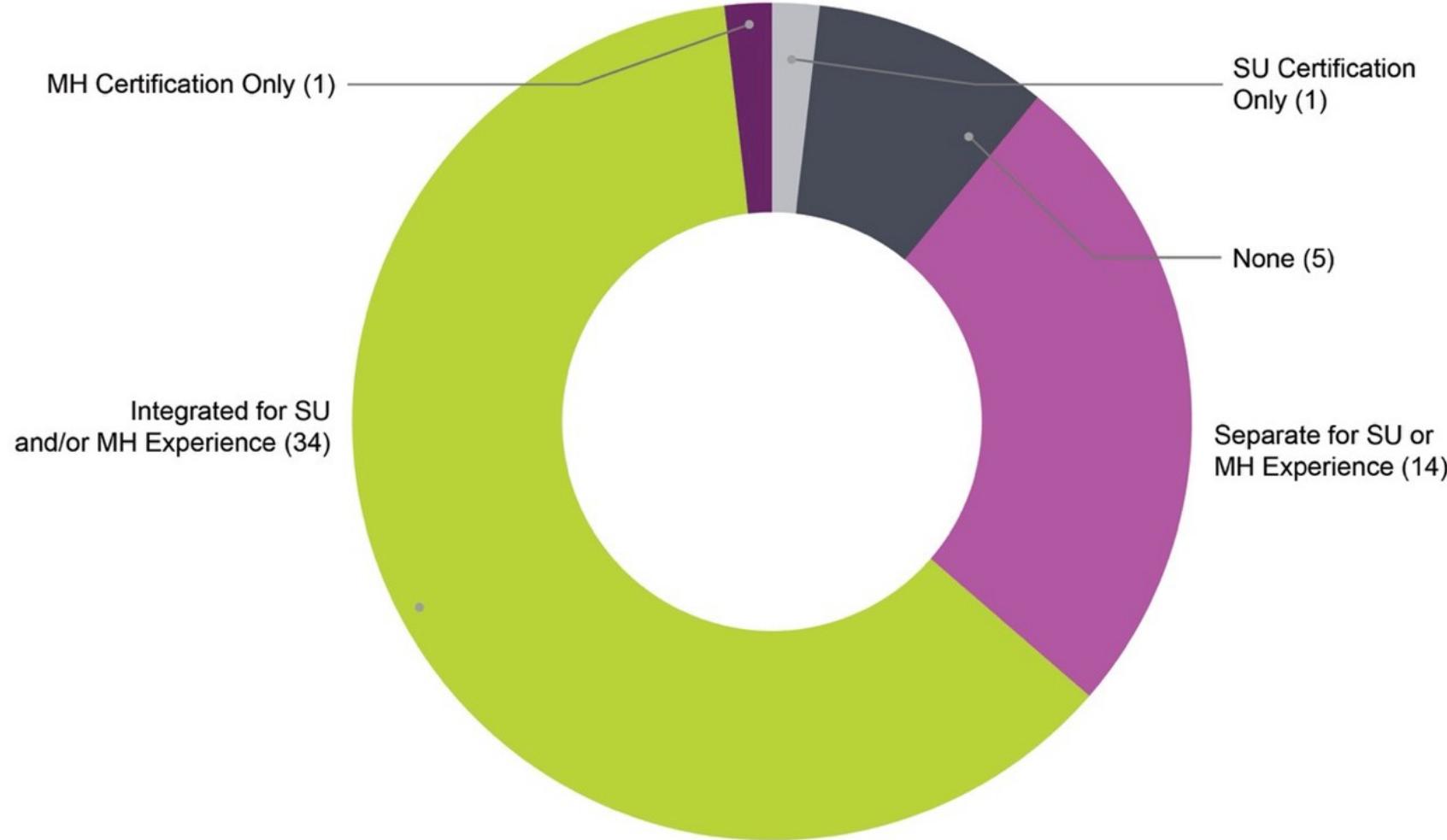
Benefits of Peers in the Workplace

- ▶ Peers are considered an important support for individuals in behavioral health services (Krumm et al., 2022)
- ▶ Peer Support is an evidence-based treatment (Krumm et al., 2022, Fuhr et al., 2014, Pitt et al., 2013, Lloyd-Evans et al., 2013, White et al., 2020)
- ▶ Peers provide important roles in other settings. (Benoit et al., 2017)
- ▶ Peers are regularly utilized in treatment and recovery programs for substance use
- ▶ Peers aid social workers in practice through group work and telling their stories (Loumpa, 2012)

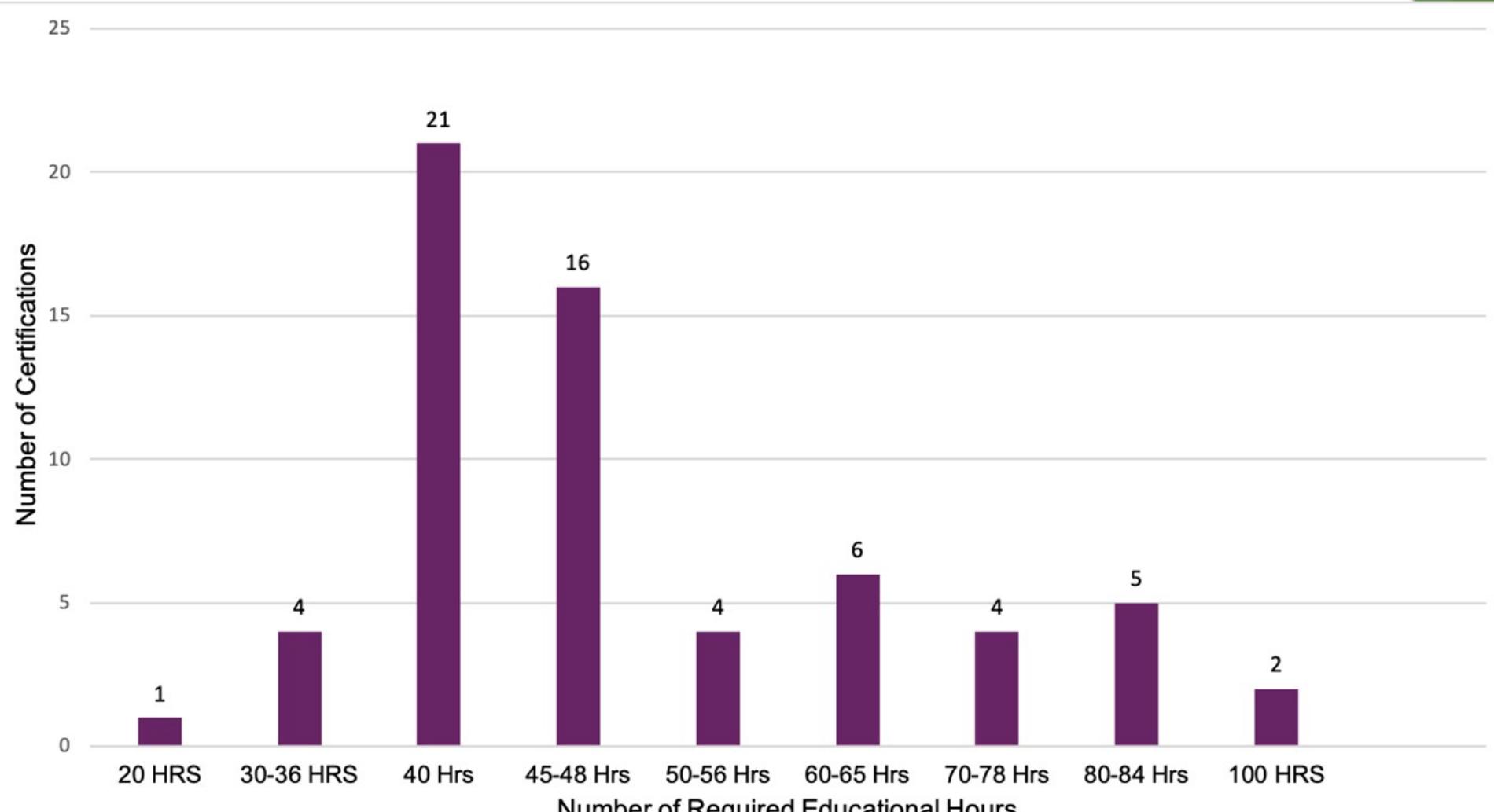
THE PEER MOVEMENT: RESEARCH

What the Research Tells Us About the Challenges:

- Differences in peers and behavioral health providers are appreciated, but there are concerns as well. (Korsbek et al., 2021)
- Concerns include:
 - Confidentiality and information sharing
 - Employment Conditions
 - Relationships between peers and clients



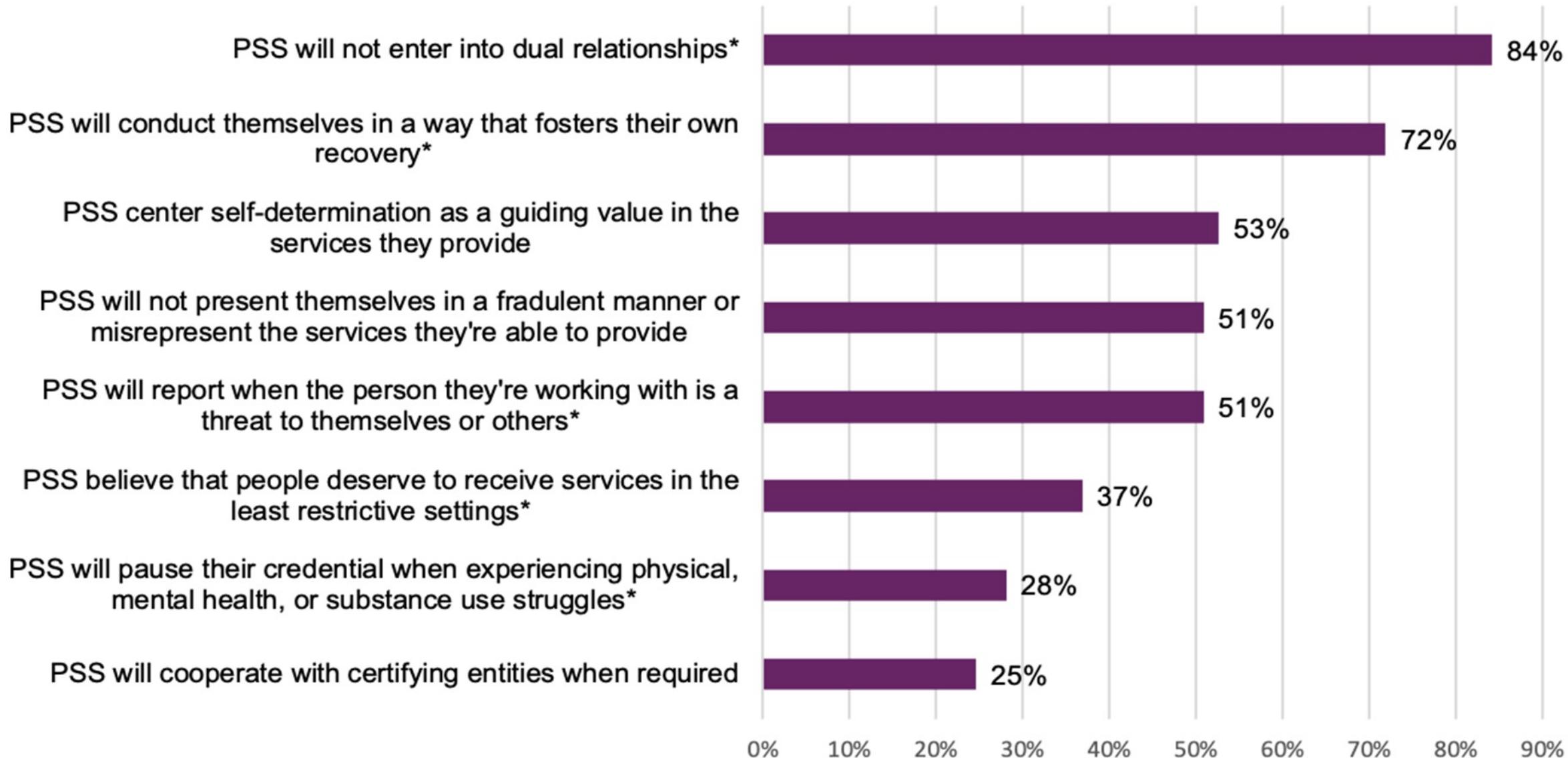
The Peer Movement: National Peer Recovery Center of Excellence (PRCoE)

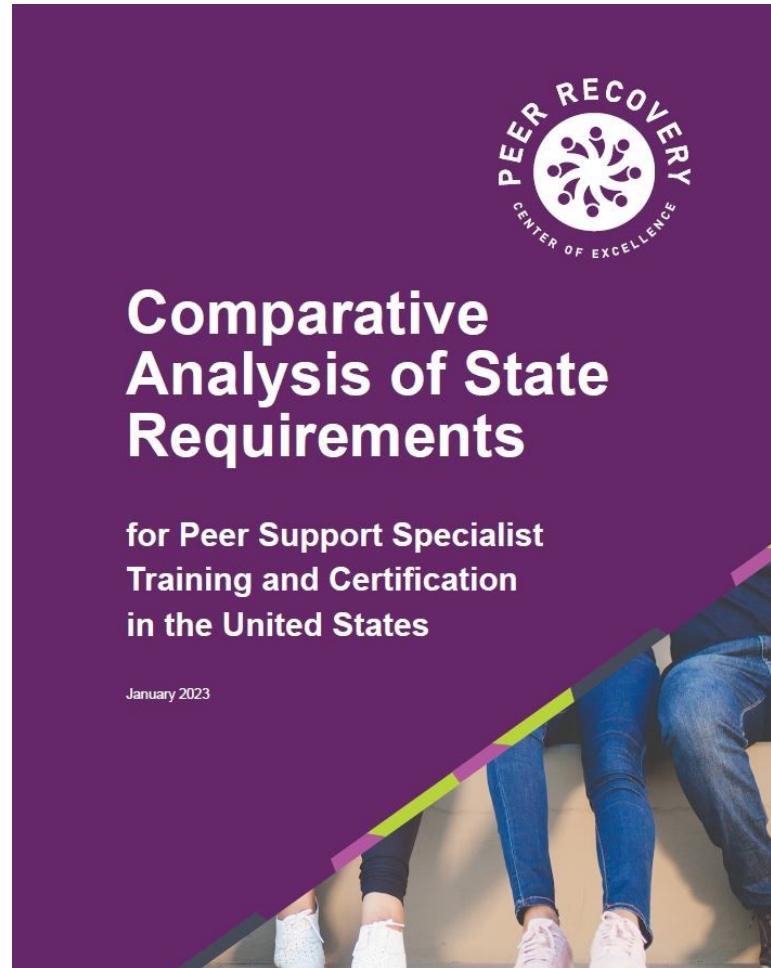


Peer Certification Training Hours And Number of States

Common Ethical Requirements

Number of Codes of Ethics Reviewed: 57





Report Recommendations

It is recommended that in peer support code of ethics documents, the non-clinical nature of peer support should be addressed and requirements that do not take that into consideration should not be included, such as force and coercion requirements or mandatory reporting.¹⁰



Certified Peer Specialist(CPS) Code of Ethics- State of Missouri



Missouri Peer Specialist

MISSOURI CREDENTIALING BOARD (MCB) PROVIDES CREDENTIALING AND TRAINING FOR MISSOURI SUBSTANCE USE PROFESSIONALS AND HAS FOR OVER 40 YEARS

MCB ALSO TRAINS AND CERTIFIES MISSOURI PEER SPECIALISTS WHO ARE DESIGNATED AS CERTIFIED PEER SPECIALISTS (CPS)

MISSOURI PEER SPECIALISTS, AS WITH ALL OTHER CREDENTIALS THROUGH THE MCB, HAVE AN ETHICS CODE TO ADHERE TO

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<https://missouricb.com/>

<https://mopeerspecialist.com/>

Missouri Peer Specialist- Criteria for Certified Peer Specialist (CPS)

MINIMUM EDUCATIONAL REQUIREMENT IS A HIGH SCHOOL DIPLOMA OR HIGH SCHOOL EQUIVALENCY (HSE)

INDIVIDUAL MUST SIGN A RECOVERY ATTESTATION STATEMENT

INDIVIDUAL MUST COMPLETE THE REQUIRED 40 HOUR MISSOURI CREDENTIALING BOARD CPS TRAINING PROGRAM AND PASS THE CPS ONLINE EXAM

Missouri Peer Specialist- Ethics Code

“Certified Peer Specialists (CPS) will maintain high standards of professional conduct and ethics as embodied in the statements...”

There are 23 statements in the updated Code of Ethics Document

Levels of seriousness are included for each code:
S= Serious, VS= Very Serious, ES= Extremely Serious

Source: Missouri Credentialing Board
(January 2022). *Certified Peer Specialist Code of Ethics*.
<https://missouricb.com/ethics/#CPS>





From the Missouri CPS Code of Ethics

- ▶ 8. CPS will not engage in romantic or sexual intimacies with the people utilizing peer support services in the organization where the CPS is providing services. CPS will not engage in romantic or sexual intimacies with an individual the CPS has provided peer services **for a period of 5 years after the peer relationship has been terminated. CPS does not provide peer support services to anyone with whom they've had romantic or sexual intimacies in the past. (ES)**



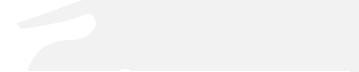
From the Missouri CPS Code of Ethics

- 9. A CPS shall not initiate or cultivate a personal relationship once the professional peer relationship has ended with a former peer **for a period of five years**. This may include, but is not limited to familial, social, romantic/sexual, financial, business or other types of close personal relationships with former peers.
(VS/ES)

From the Missouri CPS Code of Ethics

- ▶ 13. CPS will strive to avoid dual relationships or
commitments that conflict with the interests of those they serve. When a dual relationship or conflict can't be avoided, the CPS informs a supervisor of the relationship or conflict and strives to ensure the individual is not exploited in any way. (ES)





Commonly shared ethical principles include:

- **Autonomy:** Respecting a client's decision to participate (or not) in treatment and the opportunity to change and to address their own needs
- **Beneficence:** Striving to help others and promote their well-being
- **Justice:** Treating others in a fair and equitable manner; refraining from discriminatory practices
- **Honesty:** Being direct and truthful in all interactions with clients, colleagues, business associates, and the community
- **Integrity:** Striving to be accurate, honest, and truthful with individuals with whom you come into professional contact
- **Fidelity:** Fulfilling one's responsibilities, honoring commitments, and keeping promises you make to others
- **Nonmaleficence:** Striving to avoid harming your client in any way

Source: Relias LLC (2020)

Common Ethical Codes



What is an Ethical Code and Why is it important?

A code of ethics is a guide of principles designed to help professionals conduct business honestly and with integrity. A code of ethics document may outline the mission and values of the business or organization, how professionals are supposed to approach problems, the ethical principles based on the organization's core values, and the standards to which the professional is held.

Source: Retrieved from Hayes (2020) at
<https://www.investopedia.com/terms/c/code-of-ethics.asp>



FOUR C'S FOR BEING ETHICAL

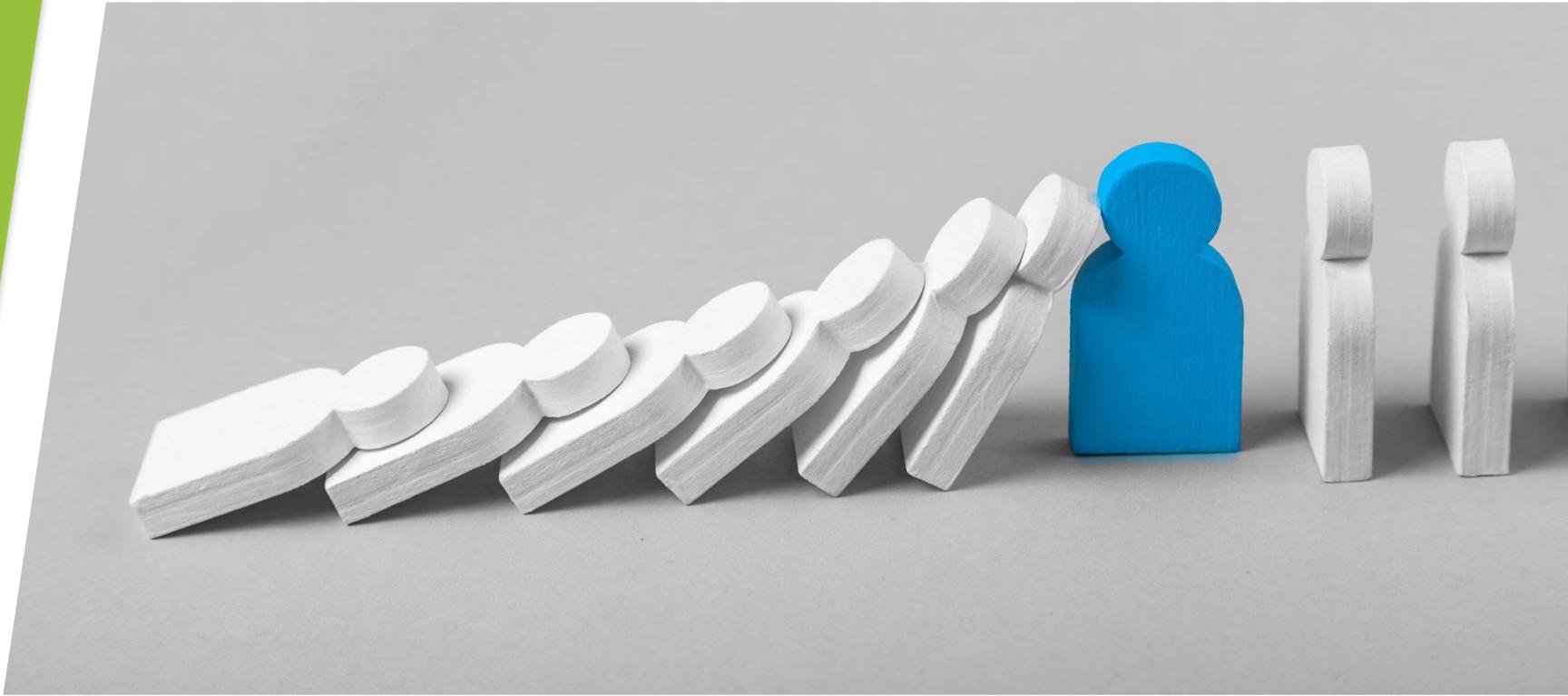
- Compliant- with regulations, guidelines, and standards.
- Cooperative- with agencies, the profession, clients, and colleagues
- Covered- to protect the general public/public welfare, to protect clients, and to protect oneself from litigation
- Client-centered- acting in the client's best interest and valuing the client's right to self-determination



ETHICAL CODES AND PARA- PROFESSIONALS

Para-professionals may not be bound by Ethical Codes

However, agencies, states, funders, and stake holders have standards and guidelines for all staff



ETHICAL DILEMMAS, PROFESSIONAL BOUNDARIES, AND CONFIDENTIALITY

National Association of Social Workers Code of Ethics



ETHICAL DILEMMAS

An ethical dilemma is experienced when a professional cannot adhere to their professional values or when adhering to one ethic requires behaving counter to another.”



Source: Proctor; Morrow-Howell; & Lott (1993), p. 166



ETHICAL VIOLATIONS

- ▶ An Ethical Violation is when there is a definite violation in an Ethics Code or Standard
- ▶ There may be consequences
- ▶ It is different from a dilemma in which a conflict is experienced in adhering to a professional value



ETHICS AND BOUNDARIES

“ethical issues related to professional boundaries are among the most problematic and challenging (Congress, 1996; Jayaratne, Croxton, & Mattison, 1997; Kagle & Giebelhausen, 1994; Strom-Gottfried, 1999). Briefly, boundary issues involve circumstances in which practitioners encounter actual or potential conflicts between their professional duties and their social, sexual, religious, or business relationships.”

Source: Reamer (2003), Issues in Social Work: Managing Dual Relationships, Social Work / Volume 48, Number 1 / January 2003



Boundaries, Confidentiality, and Colleagues

In the NASW Code of Ethics, Standard 2 addresses Responsibilities to Colleagues

- 2.01 Respect
- 2.02 Confidentiality
- 2.03 Interdisciplinary Collaboration
- 2.04 Disputes Involving Colleagues
- 2.05 Consultation
- 2.06 Referral for Services
- 2.07 Sexual Relationships
- 2.08 Sexual Harassment
- 2.09 Impaired Colleagues
- 2.10 Incompetence of Colleagues
- 2.11 Unethical Conduct of Colleagues

Source:

<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>



BOUNDARY ISSUES



- ▶ Intimate relationships: sexual relationship, physical contact, services to former lover, intimate gestures
- ▶ Personal benefit: monetary gain, goods and services, useful information
- ▶ Emotional and dependency needs: extending relationships with clients, promoting client dependence, confusing personal and professional lives, reversing roles with clients
- ▶ Altruistic gestures: performing favors, providing nonprofessional services, giving gifts, being extraordinarily available
- ▶ Unanticipated circumstances: social and community events, joint affiliations and memberships, mutual acquaintances and friend

Privacy and Confidentiality

The National Association of Social Workers (2021) states that unauthorized disclosure of private and personal information is the highest ethical consideration referenced in the literature.

PEERS, PRIVACY, AND CONFIDENTIALITY



8 RECOMMENDATIONS

- ▶ Avoid conducting searches on clients. What about peers/colleagues?
- ▶ Limit and if possible, avoid disclosing confidential information
- ▶ Know privacy limitations
- ▶ In legal processes, uphold client privacy & confidentiality
- ▶ Have standards in place
- ▶ Maintain confidentiality using technology
- ▶ Have policies in place for violations
- ▶ Consult when faced with dilemmas

Source:

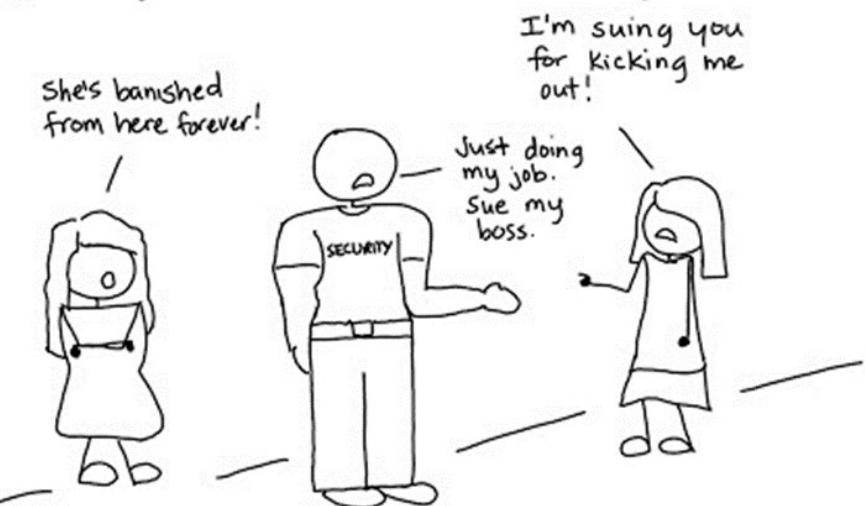
<https://www.socialworkers.org/About/Ethics/Ethics-Education-and-Resources/Ethics-8/Upholding-Privacy-and-Confidentiality-in-Social-Work-Practice>



VICARIOUS LIABILITY

Today in Legal Latin

Respondeat Superior



Latin for "Let the master answer" – The legal doctrine that ascribes responsibility to a party for the acts of others. This is known as vicarious liability.

ETHICS AND VICARIOUS LIABILITY

WHAT IS VICARIOUS LIABILITY?

Legal concept: *respondeat superior* which means: "let the superior reply". This doctrine is also known as "vicarious liability".

Source: Reamer (1998)



VICARIOUS LIABILITY ISSUES, EMPLOYERS, AND ETHICS

- ▶ What kinds of employee conduct affect an employer?
- ▶ When the conduct of an employee results in harm to a client in the course of doing his or her job

Source:

<http://medthreeinsurance.com/uploads/risk-bulletins/Healthcare-Risk-Management-Bulletin-Volume-2-Part-1-Vicarious-Liability2.pdf>
(retrieved 4/5/2019)



Vicarious Liability and Colleagues

Inappropriate practices by colleagues include:

- ▶ undertaking procedures for which the clinician is not qualified or credentialed
- ▶ violating hospital or practice policy or procedures
- ▶ causing problems for patients or others

Source:

https://mdedge-files-live.s3.us-east-2.amazonaws.com/files/s3fs-public/issues/articles/OBGM_0115_WHatsVerdict.pdf

(retrieved 4/5/2019)



Vicarious Liability Risks

The following heighten vulnerability (1997, Houston-Vega; Nuehring; & Daguo)

- ▶ Employing or supervising paraprofessionals
- ▶ Independently contracting to supervise social workers (or licensees) preparing for licensure
- ▶ Supervising professional coworkers in an agency setting
- ▶ Supervising student interns
- ▶ Arranging internships and field placements
- ▶ Serving as a case consultant
- ▶ Teaching or Training
- ▶ Referring clients to other professionals
- ▶ Serving on Boards of Directors
- ▶ Serving in an executive or administrative capacity in an agency group practice
- ▶ Affiliating with others in a group practice
- ▶ Associating with impaired colleagues

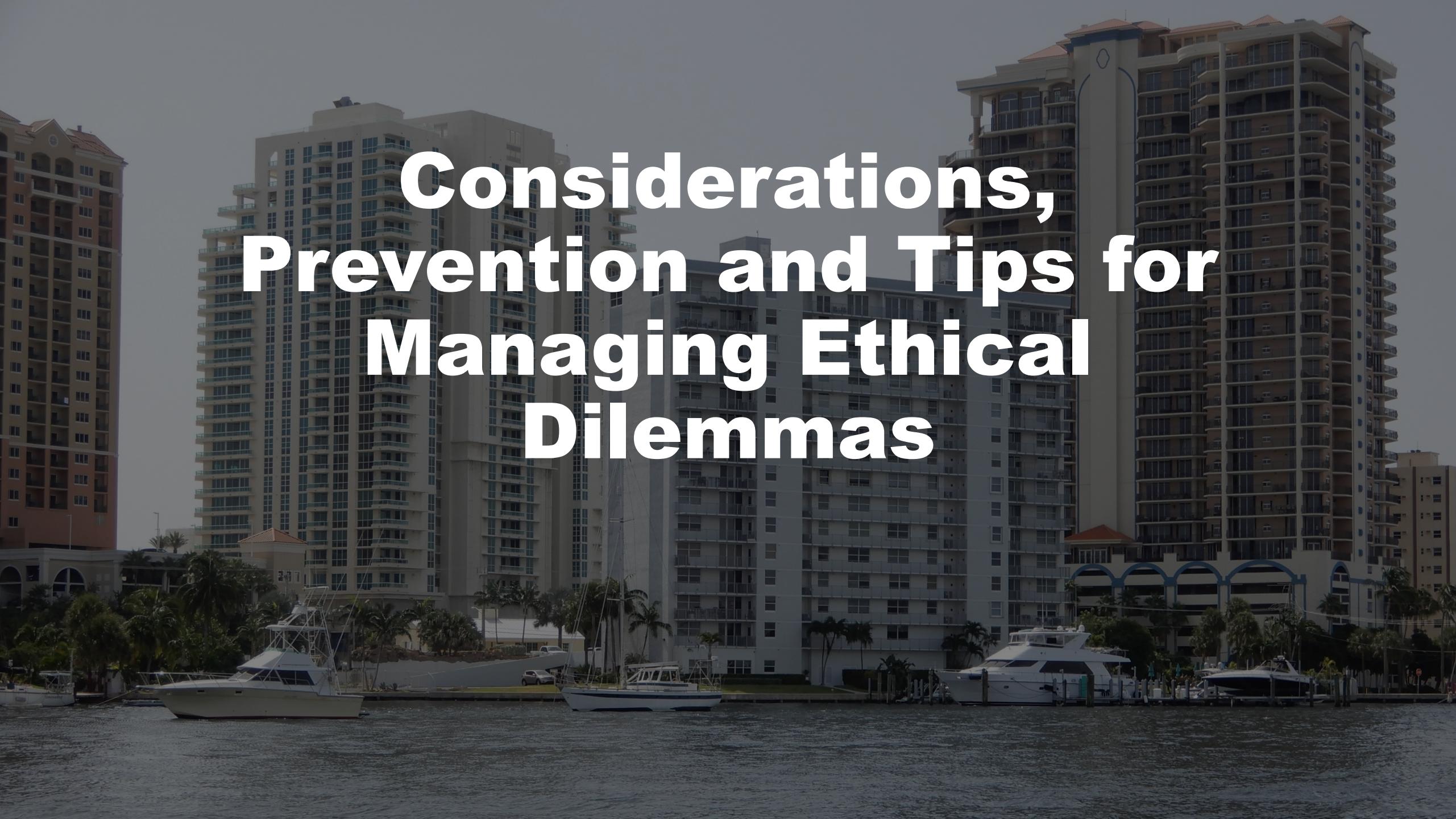
Potential Concerns and Vicarious Liability in Peer Support

One Research Study (2022, Krumm et al.) found that mental health workers perceived that:

- ▶ Peers may display inappropriate behaviors instead of providing a positive example
- ▶ Peers may give inappropriate advice to those they are servicing



Considerations, Prevention and Tips for Managing Ethical Dilemmas



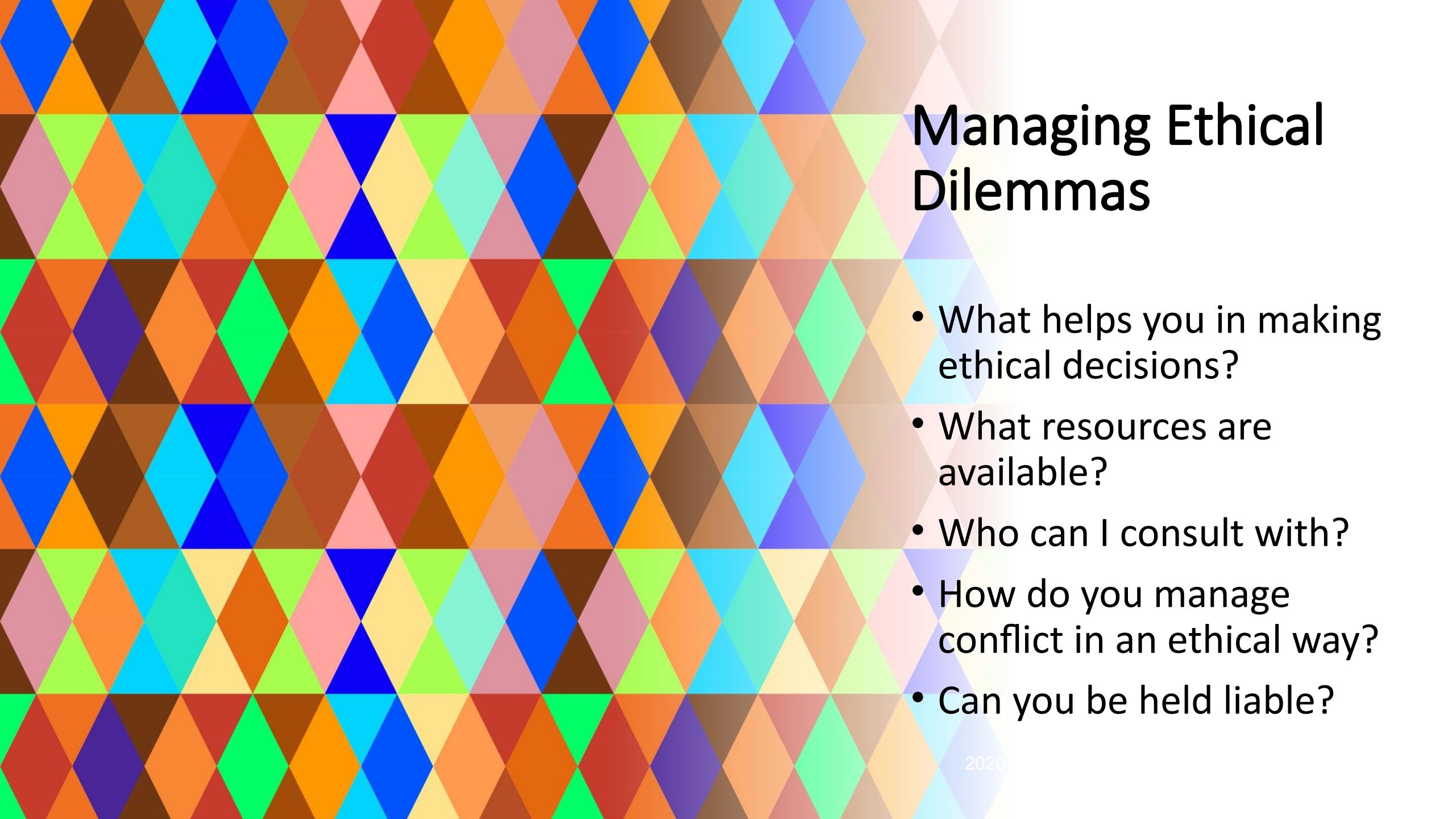


CONSIDERATIONS AND ETHICAL DILEMMAS WHEN PEERS BECOME COLLEAGUES

- ▶ What if a peer support specialist was a former client? If there are concerns regarding the peer's work with clients, where does privacy and confidentiality come in?
- ▶ What types of boundaries can be set with colleagues who were once clients?
- ▶ How can we abide by the Code of Ethics considering what is in the client's best interest and the welfare of clients and the agency when we know some information about the colleague/peer that has to do with harm to others or unethical behavior? Does vicarious liability apply?
- ▶ What information can I disclose or not disclose to a supervisor?

“Social workers should take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.”

<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>



Managing Ethical Dilemmas

- What helps you in making ethical decisions?
- What resources are available?
- Who can I consult with?
- How do you manage conflict in an ethical way?
- Can you be held liable?

Ethical Decision Making

D - Determine Facts

E - Ethical Considerations, what standards apply?

C - Consider Impact of Values

I - Impact of Self on the Decision

S - Stakeholders, who are they

I - Incorporate Professional Literature Review

O - Other Considerations

N - Narration of your Decision

S - Secure and Support your Decision

Decisions Approach (Hobday, 2016)



MANAGING VICARIOUS LIABILITY AND ETHICAL ISSUES WITH COLLEAGUES



Courts have been increasingly insistent that an institution may be liable when its physicians or nurses witness inappropriate medical practice but fail to take action to protect patients. What about your setting and the colleagues you work with?

Source:

https://mdedge-files-live.s3.us-east-2.amazonaws.com/files/s3fs-public/Issues/articles/OBGM_0115_WhatsVerdict.pdf
(Retrieved 4/5/2019)

MANAGING ETHICAL DILEMMAS AND VICARIOUS LIABILITY WITH CLIENTS

- ▶ Apologies and Showing Remorse to a client or patient is useful
- ▶ Apologies help alleviate the stressors for a patient/client when a bad outcome happens

Sanfilippo & Smith (2015)

<https://www.mdedge.com/obgy/n/article/89636/vicarious-liability-second-2-parts-when-colleague-out-line>





WHAT CHECKS AND BALANCES DO YOU HAVE REGARDING A COLLEAGUE'S BEHAVIOR?

What checks and balances do you have regarding a colleague or peer's behavior? What is your go-to for addressing inappropriate behavior?

- a. Confronting the behavior and asking for change**
- b. Emailing the colleague or peer- Documenting, Documenting, Documenting**
- c. Submitting an incident report to Supervisor, HR, Compliance, or the appropriate in-agency staff**
- d. All of the Above**

TIPS FROM NASW IN MANAGING ETHICAL DILEMMAS IN THE INAPPROPRIATE CONDUCT OF COLLEAGUES

- ▶ Address inappropriate conduct
- ▶ Discuss concerns with the peer/colleague
- ▶ Review ethics code, licensing laws, and professional conduct required for peers or other professionals
- ▶ Strategize steps for resolution
- ▶ Explore policy and procedure for managing the dilemma
- ▶ Select ways to address
- ▶ Be aware of confidentiality and privacy issues before reporting
- ▶ Be Proactive

Source: NASW (2022)



A photograph of a tropical beach. In the foreground, several palm trees stand tall against a clear blue sky. In the middle ground, a small, blue and white lifeguard hut is positioned on a sandy beach. The ocean is visible in the background, with gentle waves. The overall atmosphere is bright and sunny.

MANAGING ETHICAL DILEMMAS

Don't forget to have a trauma-informed care and culturally competent approach with clients, colleagues, supervisees, and supervisors. This will prevent some (not all) ethical dilemmas.

TAKE CARE

OF YOURSELF

TIPS FOR PREVENTING ETHICAL DILEMMAS & VIOLATIONS

Trauma-Informed Care includes self-care. If we aren't caring for ourselves, there is a greater chance that we aren't managing ethical dilemmas appropriately.



Vicarious Trauma

- ▶ Burn out, Fatigue, Secondary Stress, or Vicarious Traumatization are all words used to describe what may happen over time when hearing traumatic stories from clients with themes of helplessness and hopelessness.
- ▶ It has been defined as “the natural, predictable, treatable, and preventable unwanted consequence of working with suffering people, that is, the cost of caring.” (Figley, 1995; Stamm, 1999; as cited by NASW Press, 2015-2017).
- ▶ The National Association of Social Workers have implemented issue statements and policy statements requiring that professionals practice regular self-care.
- ▶ Self-care has been added to the Code of Ethics for Social Workers and other helping professions may soon be addressing self-care in their codes as well.

Source: NASW Press (2015-2017) & NASW (2023)

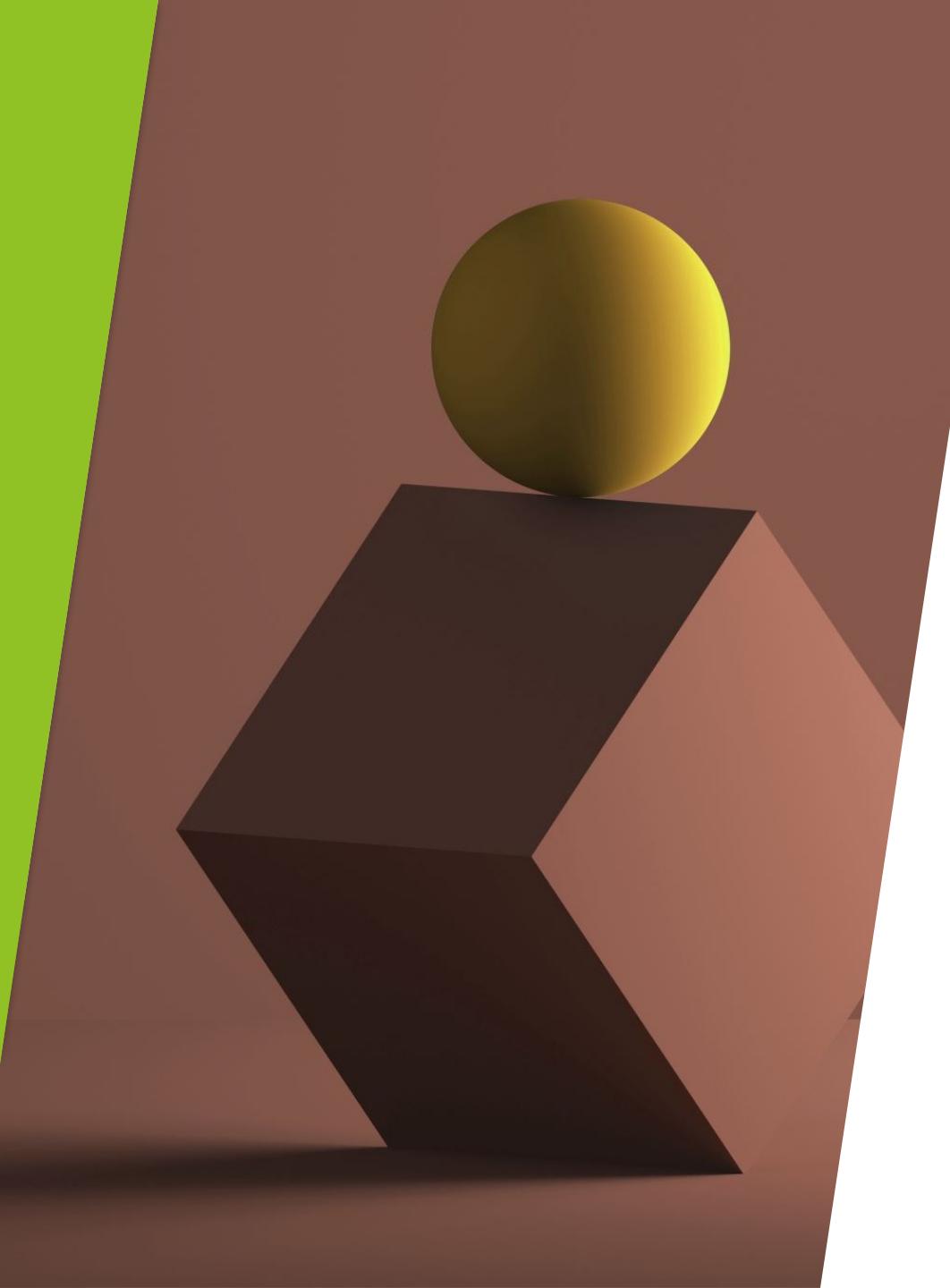


Tips in Peer Supervision

Essential Knowledge for Peer Supervisors

- ▶ Important to have initial understanding of Peer Support.
- ▶ Peer Certification Programs include a Code of Ethics.
- ▶ Peer Support is a dual role.
- ▶ Demonstrate Value for Peer Support for the peer and non-peer.
- ▶ Service being provided must be client centered and not harm clients.
- ▶ Support those in or seeking recovery.
- ▶ Peer must model recovery principles and ensure peer specialist receive has meaningful and appropriate work.
- ▶ Peer supervision can be performed by an experienced peer provider or treatment provider
- ▶ Peer supervision can be individual or with a team.





Managing Dual Roles and Responsibilities for Peer Specialist and Peer Supervisor

- ▶ Role Clarity: clearly written job description with concrete duties and competencies spelled out.
- ▶ Important to work within your role of expertise applies to Peer Specialist and Peer Supervisor- both must avoid acting as counselor, sponsor or friend.
- ▶ What worked for you may not work for clients seeking or in recovery.
- ▶ Peer Supervisor should assume role of a liaison within and outside of the team to support the value of Peer Support.
- ▶ Peer supervisor must advocate for professional and career development.
- ▶ Multidisciplinary Team supervision is very enhancing for team members and individuals in or seeking recovery support.

References

Kapelj, A. (2022). Professional boundaries that promote dignity and rights in social work practice. *Ethics and Social Welfare*. 16:4, 450-456. DOI: [10.1080/17496535.2022.2033396](https://doi.org/10.1080/17496535.2022.2033396)

Korsbek, L., Vilholt-Johannesen, S., Johansen, G. K., Thomsen, R., Johansen, M. B., & Rasmussen, K. S. (2021). The intentional differences: A qualitative study of the views and experiences of non-peer mental health providers on working together with peer support colleagues in mental health. *Community Mental Health Journal*, 57(8), 1435-1441. <https://doi.org/10.1007/s10597-021-00807-8>

Lynch, J.G. & Versen, G. R. (2003). Social Work Supervisor Liability: Risk Factors and Strategies for Risk Reduction. *Administration in Social Work*, 27(2), 57-72.
https://doi.org/10.1300/J147v27n02_05

Missouri Credentialing Board (January 2022). *Certified Peer Specialist Code of Ethics*.
<https://missouricb.com/ethics/#CPS>

National Association of Social Workers (2022, December 30). *8 Ethical Considerations for Addressing Social Worker Impairment*.
<https://www.socialworkers.org/About/Ethics/Ethics-Education-and-Resources/Ethics-8/Addressing-Social-Worker-Impairment>⁵²

National Association of Social Workers (2021a). 1. Social Workers' Ethical Responsibilities to Clients.

<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English/Social-Workers-Ethical-Responsibilities-to-Clients>

National Association of Social Workers (2021b). *8 Ethical Considerations for Upholding Privacy and Confidentiality in Social Work Practice*.

<https://www.socialworkers.org/About/Ethics/Ethics-Education-and-Resources/Ethics-8/Upholding-Privacy-and-Confidentiality-in-Social-Work-Practice>

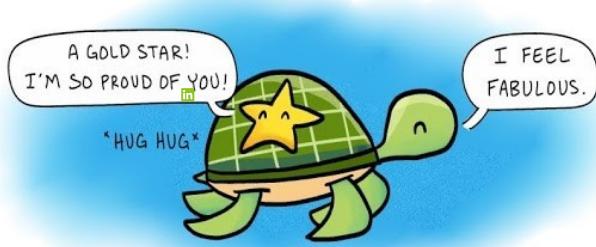
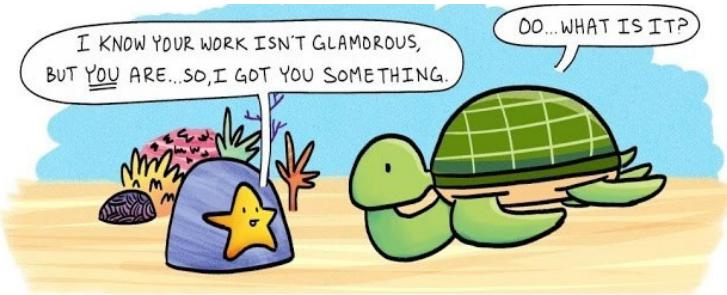
Peer Recovery Center of Excellence (January 2023). *Comparative Analysis of State Requirements for Peer Support Specialist Training and Certification in the United States*.
<https://peerrecoverynow.org/product/comparative-analysis-of-state-requirements-for-peer-support-specialist-training-and-certification-in-the-us/>

Reamer (January 2003), Issues in social work: Managing dual relationships, *Social Work*. Volume 48, Number 1.

Urichuk, L., Hrabok, M., Hay, K., Spurvey, P., Sosdjan, D., Knox, M., Fu, A., Surood, S., Brown, R., Coulombe, J., Kelland, J., Rittenbach, K., Snaterse, M., Abba-Aji, A., Li, X.-M., Chue, P., Greenshaw, A. J., & Agyapong, V. I. (2018). *Enhancing peer support experience for patients discharged from acute psychiatric care: protocol for a randomised controlled pilot trial*. *BMJ Open*, 8(8), e022433e022433.
<https://doi.org/10.1136/bmjopen-2018-022433>

CONCLUSION AND WRAP-UP

Questions and Final Comments



You deserve the best

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