



BEHAVIORAL HEALTH ETHICS FOR AGENCY SETTINGS

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IMPLEMENTING BEST PRACTICES WITH AN EYE ON ETHICS



LEARNING OBJECTIVES:



Participants will be provided with an understanding and overview of common ethical principles related to behavioral health practice in an agency setting



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”



Potential ethical dilemmas that arise from Vicarious Liability will be considered and options for managing the dilemma will be introduced. Strategies and best practices for preventing and managing complaints and ethical violation in practice will be examined.

What is an
Ethical Code
and Why is it
important?





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>



What is an Ethical Code and Why is it important?

- ▶ Various Professions have Unique Ethical Codes
- ▶ Ethical Codes have similarities
- ▶ In addition to a Code of Ethics, states have licensing regulations that are mandates
- ▶ Agencies have Ethics Codes based on Agency Mission

“Professional Ethics are rules reflecting the values and goals of the profession.”

Source: Houston-Vega, Neuhring, & Daguio (2007) *Prudent Practice: A Guide For Managing Malpractice Risk*. NASW- National Association of Social Workers: Washington, DC



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





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



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 STANDARDS

“The NASW Code of Ethics is intended to serve as a guide to the everyday professional conduct of social workers.”

“Some of the standards are enforceable guidelines for professional conduct, and some are aspirational.”

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



The National Board of Certified Counselors (NBCC) Code “establishes the minimal ethical behaviors and provides an expectation of and assurance for the ethical practice for all who use the professional services of NCCs.” “NCCs recognize that their behavior reflects on the integrity of the profession as a whole, and thus, they avoid actions which can reasonably be expected to damage trust” and “NCC’s are accountable in their actions and adhere to recognized professional standards and practices.”

Source: National Certified Counselors (NCCs) Directives (2016)





“This Ethics Code applies only to psychologists’ activities that are part of their scientific, educational or professional roles as psychologists. Areas covered include but are not limited to the clinical, counseling and school practice of psychology; research; teaching; supervision of trainees; public service; policy development; social intervention; development of assessment instruments; conducting assessments; educational counseling; organizational consulting; forensic activities; program design and evaluation; and administration.”

Source: American Psychological Association (APA) Ethics Code (2017):

Missouri Peer Specialist

MISSOURI CREDENTIALING BOARD (MCB) PROVIDES CREDENTIALING AND TRAINING FOR MISSOURI SUBSTANCE USE PROFESSIONALS AND HAS FOR OVER 40 YEARS. MCB IS A MEMBER OF IC&RC, WHICH PROTECTS THE PUBLIC BY ESTABLISHING STANDARDS AND FACILITATING RECIPROCITY FOR THE CREDENTIALING OF ADDICTION-RELATED PROFESSIONALS.

MCB TRAINS AND CERTIFIES MISSOURI PEER SPECIALISTS WHO ARE DESIGNATED 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 Credentialing Board (MCB) Code of Ethics

Principles

- Responsibility to Clients
- Counseling Relationship
- Legal and Moral Standards
- Diversity
- Professional Competence and Integrity
- Compliance with the Law
- Cooperation with the Board

American Nursing Association (ANA) Code of Ethics



- ▶ Nine provisions and support statements
- ▶ Four main principles of ethics: autonomy, justice, beneficence, and nonmaleficence
- ▶ Provisions assert the ethical and moral foundation of the nursing profession

Source: <https://nursejournal.org/resources/nursing-code-of-ethics/>

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>



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)



ETHICAL DILEMMAS, VIOLATIONS, AND COMPLAINTS



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

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



ETHICAL DILEMMAS

- “Difficult ethical dilemmas or tensions, often not explicitly addressed in professional codes of ethics, emerge as practitioners attempt to work with “vulnerable” populations (NIAAA, 2005; Spano and Koenig, 2003).”

A vertical stack of four directional signs on a single pole. The top sign is green and points right, with the text 'HIS FAULT'. The second sign is yellow and points left, with the text 'HER FAULT'. The third sign is orange and points right, with the text 'THEIR FAULT'. The bottom sign is red and points left, with the text 'NOT ME'.

HIS FAULT

HER FAULT

THEIR FAULT

NOT ME

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



Trends in Ethical Complaints in Counseling

- All 50 states have licensing boards overseeing professional counseling
- Reviewing common ethical violations is helpful for training and practice

Reference:

Wilkinson, T., Smith, D., & Wimberly, R. (2019). Trends in Ethical Complaints Leading to Professional Counseling Licensing Boards Disciplinary Actions. *Journal of Counseling and Development*, 97(1), 98-104.
<https://doi.org/10.1002/jcad.12239>

Research on Ethical Complaints in Counseling

- Data regarding complaints was collected from all 50 states from 2010 to 2014
- Only those that resulted in disciplinary action were considered

Source: Wilkinson, T., Smith, D., & Wimberly, R. (2019).



A blue pen with a silver tip is resting on a document that features a bar chart with blue bars. The background is a light blue grid.

Ethical Complaints in Counseling Acted on by Licensing Boards

Highest Complaints (N = 847)

- Failure to Obtain Required Continuing Education (142 = 16.8%)
- Dual Relationships (non-sexual) (106 = 12.6%)
- Sexual Relationship with clients (76 = 9%)
- Misrepresentation of credentials (57 = 6.7%)
- Legal arrests/issues (56 = 6.6%)
- Document fraud/improper notetaking (54 = 6.4%)
- Billing Fraud (47 = 5.5%)
- Impaired Professional, Improper supervisor practices and other (34 for each = 4 % for each)

Reference:

Source: Wilkinson, T., Smith, D., & Wimberly, R. (2019)

Trends in Ethics and Complaints for Social Workers to NASW

- In 2023 there were 932 inquiries in which a complaint was processed
- 104 of the 932 inquiries were about NASW Members (11%)
- 828 inquiries were about non-members (89%)

Source: NASW Office of Ethics and Professional Review for Chapter Ethics Committees (12 April, 2024), Power Point.



Top Three Complaints in Code of Ethics Standards for Social Workers

- In 2023 the top complaint to NASW was in regards to competence (Code 4.01)
- The 2nd complaint was also in regard to competence Code 1.04)
- The 3rd complaint was regarding Commitment to clients (Code 1.01)
- In 2022, the top complaint was in regard to Dishonesty, Fraud, and Deception (Code 4.04)

Source: NASW Office of Ethics and Professional Review for Chapter Ethics Committees (12 April, 2024), Power Point.



ETHICAL DILEMMA EXAMPLES

Ethical Dilemmas in hospitals may mirror some of the dilemmas we experience in behavioral health. Most dilemmas were found to involve the following:

- ▶ Conflicts in the Client's Right to Self-Determination & Client best interest
- ▶ Dilemmas were more likely to occur when the client's mental status was impaired & the client had problems making decisions
- ▶ Delayed Discharges
- ▶ In-patient Hospital Mortality
- ▶ Inadequate Post-Discharge Care

Source: Proctor, Morrow-Howell, & Lott (1993)

ETHICAL VIOLATION EXAMPLES

Research on Ethical Violations in Medicine from 2008-2016

- ▶ Severe disciplinary actions is 1 in 1000
- ▶ Focus of the study is harm to patients
- ▶ Shared qualities in those who violated
 - ▶ Repeat incidents (97%)
 - ▶ Intentional wrong-doing (99%)
 - ▶ By males (95%)
 - ▶ Nonacademic healthcare settings (95%)
 - ▶ Manager oversight problems (89%)
 - ▶ Selfish motive including sexual or financial gain (90%)
 - ▶ In 70% of the incidents, the situation continued for 2 years or more

Reference: DuBois, J. M., Anderson, E. E., Chibnall, J. T., Mozersky, J., & Walsh, H. A. (2019). Serious Ethical Violations in Medicine: A Statistical and Ethical Analysis of 280 Cases in the United States From 2008-2016. *American Journal of Bioethics*, 19(1), 16-34. <https://doi.org/10.1080/15265161.2018.1544305>

ETHICAL VIOLATION EXAMPLES FROM RESEARCH IN MEDICINE



- ▶ Improper prescribing of controlled substances (IPCS)
- ▶ Sexual Abuse
- ▶ Invasive Procedures that weren't medically necessary

Source: DuBois, et al. (2019)

Ethical Dilemmas and Organizations

Dynamics
Contributing to
Political Behavior
in Agencies:

Competition and
Power

Scarce Resources
(intensifies need
for power)

Uncertainty

Power-oriented
workers,
supervisors, or
managers

*Source: Kirst-
Ashman (2012)*

A 3D illustration of a person standing in a maze, symbolizing ethical dilemmas and professional boundaries. The person is a small, dark blue figure standing in a narrow, light-colored path that leads through a complex, dark grey maze. The maze is composed of many interconnected rectangular blocks, creating a labyrinthine structure. The lighting is dramatic, with strong shadows and highlights, emphasizing the depth and complexity of the maze. The overall composition is split into three main sections: a dark, textured maze on the left, a white background with green text in the center, and a green geometric pattern on the right.

ETHICAL DILEMMAS AND PROFESSIONAL BOUNDARIES

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

ETHICS AND BOUNDARIES

“Boundary issues can be placed into five conceptual categories revolving around five central themes pertaining to the helping relationship: (1) intimate relationships, (2) pursuit of personal benefit, (3) emotional and dependency needs, (4) altruistic gestures, and (5) responses to unanticipated circumstances”

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

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

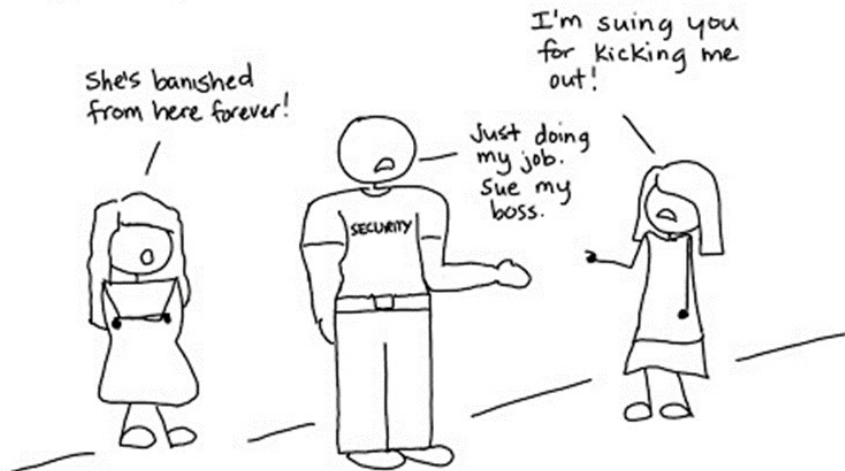
Source: Reamer (2003), *Issues in Social Work: Managing Dual Relationships*, Social Work / Volume 48, Number 1 / January 2003



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

The Legal Concepts that relate to Vicarious Liability:

Malfeasance- “illegal or dishonest activity especially by a public official or a corporation”

Misfeasance-”the performance of a lawful action in an illegal or improper manner”

Nonfeasance- “failure to act; *especially*: failure to do what ought to be done”

Definitions retrieved from:
<http://www.merriam-webster.com/dictionary> on 4-01-2016

VICARIOUS LIABILITY AND EMPLOYEES

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

INTERDISCIPLINARY TEAMWORK WITH COLLEAGUES

- ▶ Interdisciplinary Teamwork is defined by Carlton (1984) as: “practice by two, or more practitioners from two or more fields of learning and activity, who fill distinct roles, perform specialized tasks, and work in an interdependent relationship toward achievement of a common purpose.” (p.129)
- ▶ An important component for counselors working on interdisciplinary teams is supporting patient care and positive team interactions (Johnson et al., 2021)

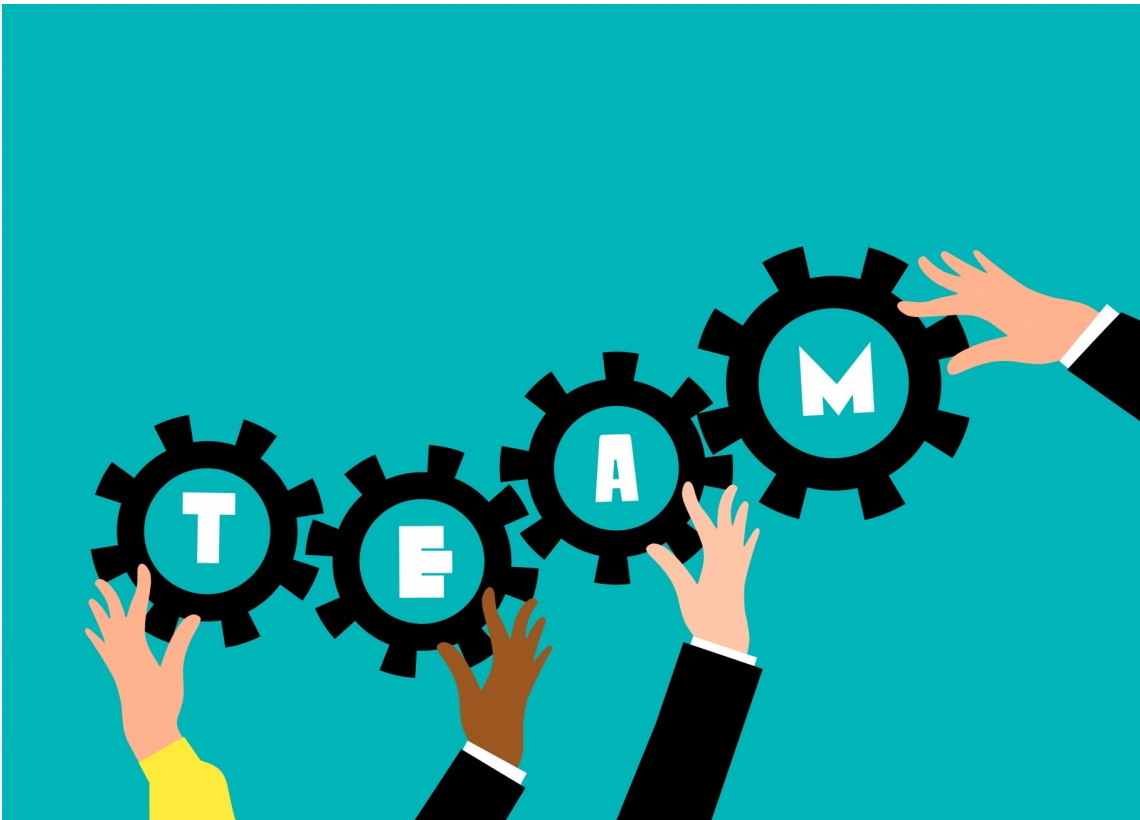


INTERDISCIPLINARY TEAM SETTINGS

- Schools
- Medical & Psychiatric Hospitals
- Nursing Homes
- Rehabilitation Facilities
- Community Mental Health Centers
- Family Services Agencies
- Substance Abuse Treatment Programs
- Correction Programs
- The Military

Resource: Reamer (2004); Ethical Standards in Social Work: *A Review of the NASW Code of Ethics*, NASW Press: USA

BENEFITS OF WORKING WITH COLLEAGUES ON INTERDISCIPLINARY TEAM SETTINGS



- “...pooling interdisciplinary expertise yields a better understanding of client needs and resources while enhancing the range of options considered and skills applied in problem solving. (Abramson & Rosenthal, 1995; Brunner, 1991)”
- “Directly benefits collaborators”
- “Individuals expand knowledge and expertise through exposure to other professionals.”

Abramson & Mizrahi (1996)

WORKING WITH COLLEAGUES ON INTERDISCIPLINARY TEAM SETTINGS



This Photo by Unknown Author is licensed under [CC BY-SA](#)

- Opportunity to share expertise from diverse perspectives
- Potential for stressful situations
- Members of one profession may not fully appreciate the value & perspective of the other
- Others may feel threatened by their colleagues and other professions
- Clinicians or social workers may bring a “unique perspective”
- Often times views of different professionals may be similar

Reamer (2004)

Interdisciplinary Teams and Colleagues



Literature Review by Abramson & Mizrahi (1996):

- ▶ Most literature has a negative emphasis
- ▶ Tensions occur due to Role Competition, Role Confusion, Turf Issues, and Role Definition
- ▶ Conflict arises from differences in the professional socialization processes
- ▶ There are issues around Physician-dominated teams and interprofessional decision making

Interdisciplinary Teams and Colleagues

Model for Interdisciplinary
Collaboration (Bronstein, 2003)

COMPONENTS:

- ▶ Interdependence
- ▶ Newly Created Professional Activities
- ▶ Flexibility
- ▶ Collective Ownership of Goals
- ▶ Reflection on Process



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, Huismann & 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 behavioral health providers 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

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





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 AND ETHICS- INAPPROPRIATE PRACTICES BY COLLEAGUES AND SUPERVISEES

What is the **most common** ethical dilemma you have experienced in your setting regarding inappropriate practices by colleagues or supervisees?

1. Undertaking procedures for which the staff person is not qualified or credentialed
2. Violating hospital or practice policy or procedures
3. Causing problems for patients or others

VICARIOUS LIABILITY AND SUPERVISION

According to Dewane (2007), these are the “D”angers of Supervision:

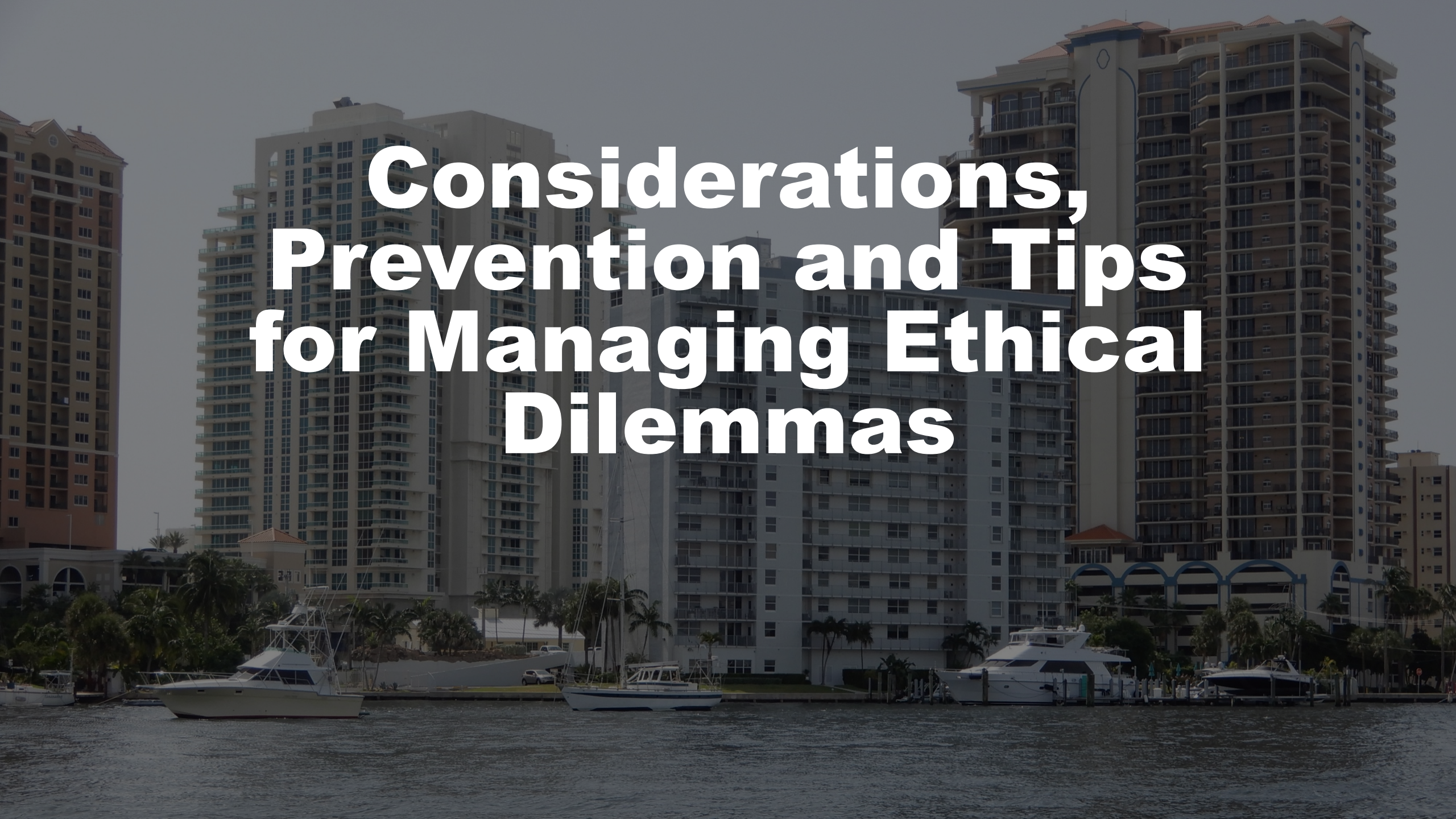
- Dual relationships
- Documentation
- Descriptions (position)
- Duty to Warn
- Dilemmas
- Disciplinary Action
- Discretion

Vicarious Liability Risks

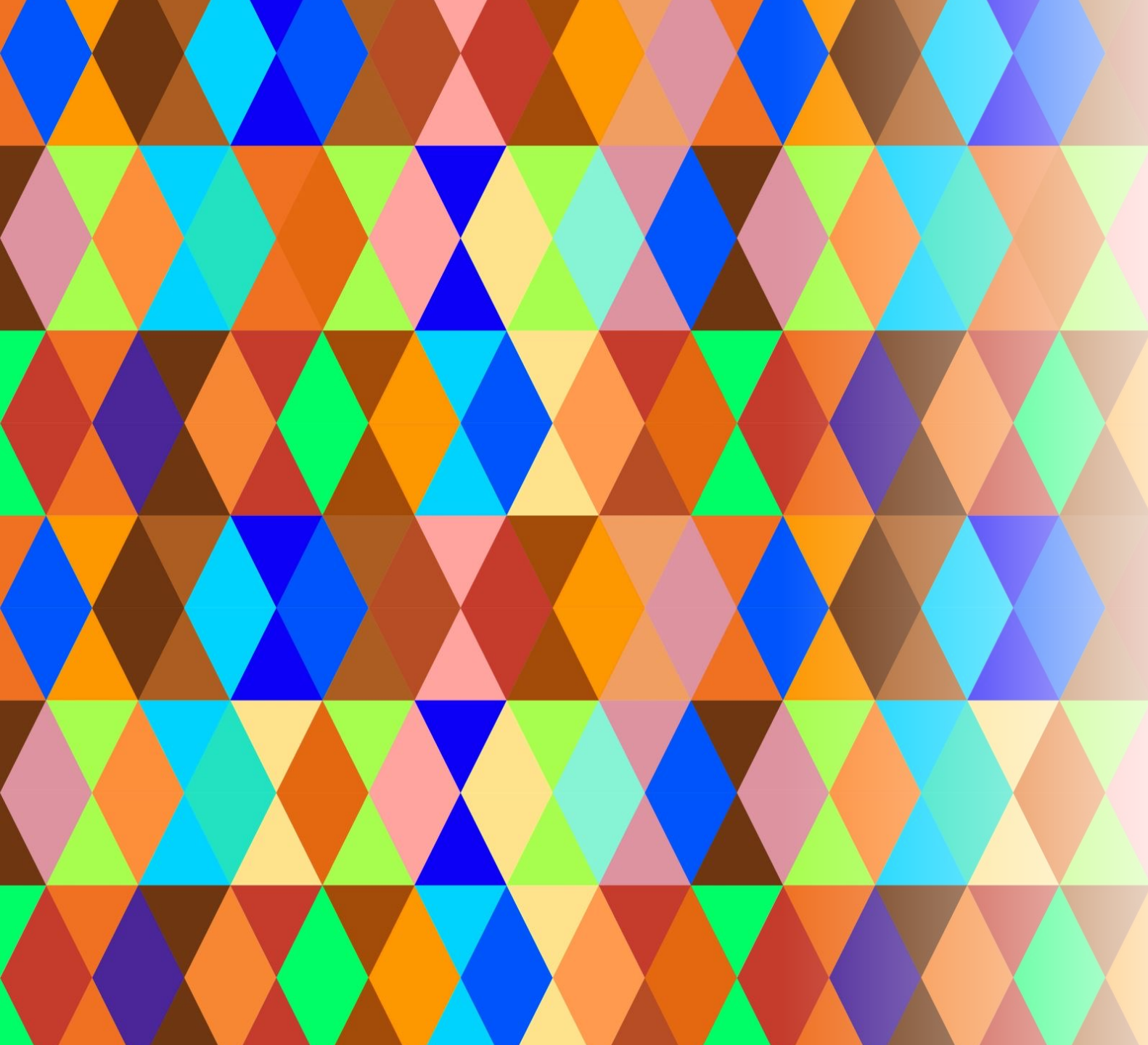
The following heighten vulnerability:

- 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

Source: Houston-Vega; Nuehring; & Daguio (1997)

The background image shows a waterfront city scene. In the foreground, there is a body of water with several boats, including a large white yacht and a smaller sailboat. The middle ground features a row of palm trees and a low-rise building with a blue and white facade. In the background, several tall, modern apartment buildings with many windows and balconies rise up. The sky is overcast and grey. The text is overlaid on the upper half of the image.

Considerations, Prevention and Tips for Managing Ethical Dilemmas



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?



MANAGING ETHICAL DILEMMAS IN AGENCIES (“AGENCY POLITICS”)

These tactics should be avoided when dealing with agency politics:

- ▶ “Backstabbing”
- ▶ Setting up a colleague or supervisee for failure
- ▶ Excluding the opposition
- ▶ Going above the supervisor before exhausting all options
- ▶ Throwing temper tantrums

Reminder: Professionals should incorporate social justice in the organizations in which they work, just as they would for clients

Source: Kirst-Ashman (2012)

MANAGING VICARIOUS LIABILITY ISSUES AS A SUPERVISOR

- “Supervisors must be cognizant not only of their employees’ ethical decisions but also of their own ethical behavior.”

Source: Dewane, C. (2007)
Supervisor Beware: Ethical Dangers in Supervision. Social Work Today, 7
(4), p. 34





Ethical Considerations in Supervision

- ▶ Supervisors should focus on goals of supervision and the nature of the supervisory relationship and avoid counseling/psychotherapy with the supervisee
- ▶ Supervisors should see each supervisee as an individual when working with more than one individual and adapt to each supervisees needs while being fair and consistent to all
- ▶ Other considerations are:
 - ▶ Self-disclosure
 - ▶ Attending to Safety
 - ▶ Alternative Practice

Source: National Association of Social Workers (NASW) (2013), Social Work Supervision, p.19-22

An illustration of a woman with brown hair and a pink headband, wearing a blue jacket over a white shirt and a purple skirt. She is looking up at a wooden signpost with several colorful arrows pointing in different directions: blue, pink, green, purple, yellow, and orange. The background is a dark grey semi-circle on the right and a light green gradient on the left.

Ethical Decision Making

TIPS TO SAFEGUARD VICARIOUS LIABILITY IN SUPERVISION

- ▶ Have a written agreement with supervisees
- ▶ Document supervisory sessions
- ▶ Have the proper qualifications to supervise
- ▶ Supervise with “an eye toward ethics—including referring frequently in supervision to the NASW Code of Ethics”
- ▶ Ensure that services provided by supervisees are above minimal
- ▶ Obtain consultation
- ▶ Assure supervisee’s clients have released information for supervision
- ▶ Treat supervisee with respect

Source: Houston-Vega; Nuehring; & Daguio (1997)



Legal And Ethical Issues For Administrators

Administrators should:

- ▶ Work with supervisors to define and document legal and ethical standards for the agency, in writing
- ▶ Train all personnel, consistently and continually in the agency's legal and ethical standards, and also in changing case law and legislation affecting clinical practice
- ▶ Reinforce support for supervisors who face situations in which legal and ethical issues may arise
- ▶ Help supervisors develop a process for ethical decision making as supervisors
- ▶ Help supervisors develop a process for teaching ethical decision making to counselors

Source: Substance Abuse and Mental Health Services Administration (SAMHSA) (2009); Quick Guide for Administrators Based on Tip 52: Clinical Supervision and Professional Development of the Substance Abuse Counselor, p. 12

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>

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 (Hobody, 2016)

MANAGING VICARIOUS LIABILITY AND ETHICAL ISSUES WITH COLLEAGUES



- ▶ What “checks and balances” do you have regarding colleagues’ behavior in your practice or work-place?
- ▶ 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)



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

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

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

MANAGING ETHICAL DILEMMAS AND VICARIOUS LIABILITY WITH CLIENTS



- ▶ “In some cases an apology may be in order when things go wrong with patient care—and sometimes it can help defuse the tensions that arise when a bad outcome happens.”

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

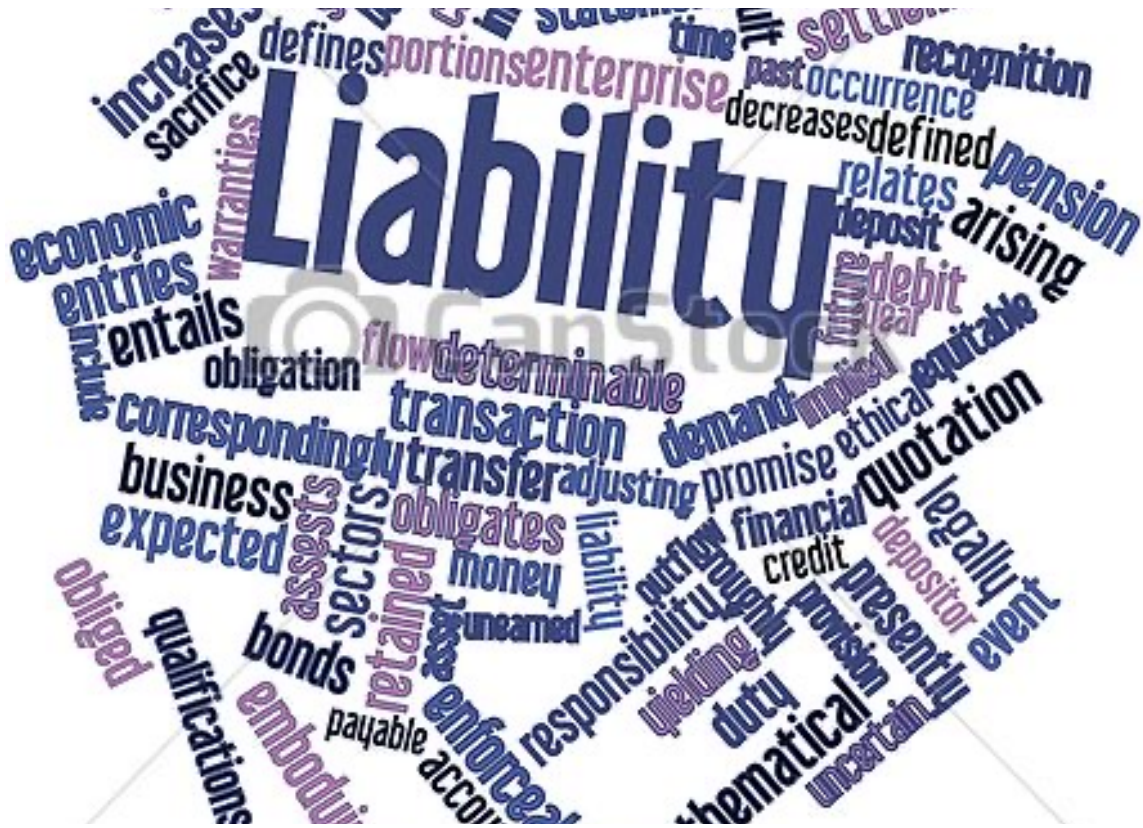
LEGAL AND ETHICAL CONSIDERATIONS IN TELEHEALTH

- ▶ Licensure- state licensing boards are concerned where the patient is located. If you are speaking to someone in another state, you need a license.
- ▶ Technology- many practitioners use it without training, competence, & research evidence

Source: Coyle, S.(2018); *The Continued Growth of Telemental Health; Social Work Today; Vol. 18. No. 2 P. 18.*



TIPS FOR PREVENTING ETHICAL DILEMMAS & VIOLATIONS IN TELEHEALTH



“When using technology to provide services, practitioner competence and the well-being of the client remain primary.”

Keeping this in mind will help prevent ethical dilemmas and violations.

Source: National Association of Social Workers; Association of Social Work Boards Council on Social Work Education; Clinical Social Work Association (2017), *NASW, ASWB, CSWE, & CSW Standards for Technology in Social Work Practice*.



MANAGING ETHICAL DILEMMAS

What is best practices
when a professional
has more than one
ethics code that they
are required to
adhere to?



MANAGING ETHICAL DILEMMAS

Reminder:

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.



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.

16 Simple Ways to Relieve Stress and Anxiety

Exercise

Consider
supplements

Light a candle

Reduce your
caffeine intake

Write it down

Chew gum

Spend time
with friends
and family

Laugh

Learn to say no

Learn to avoid
procrastination

Take a yoga
class

Practice
mindfulness

Cuddle

Listen to
soothing music

Deep breathing

Spend time
with your pet

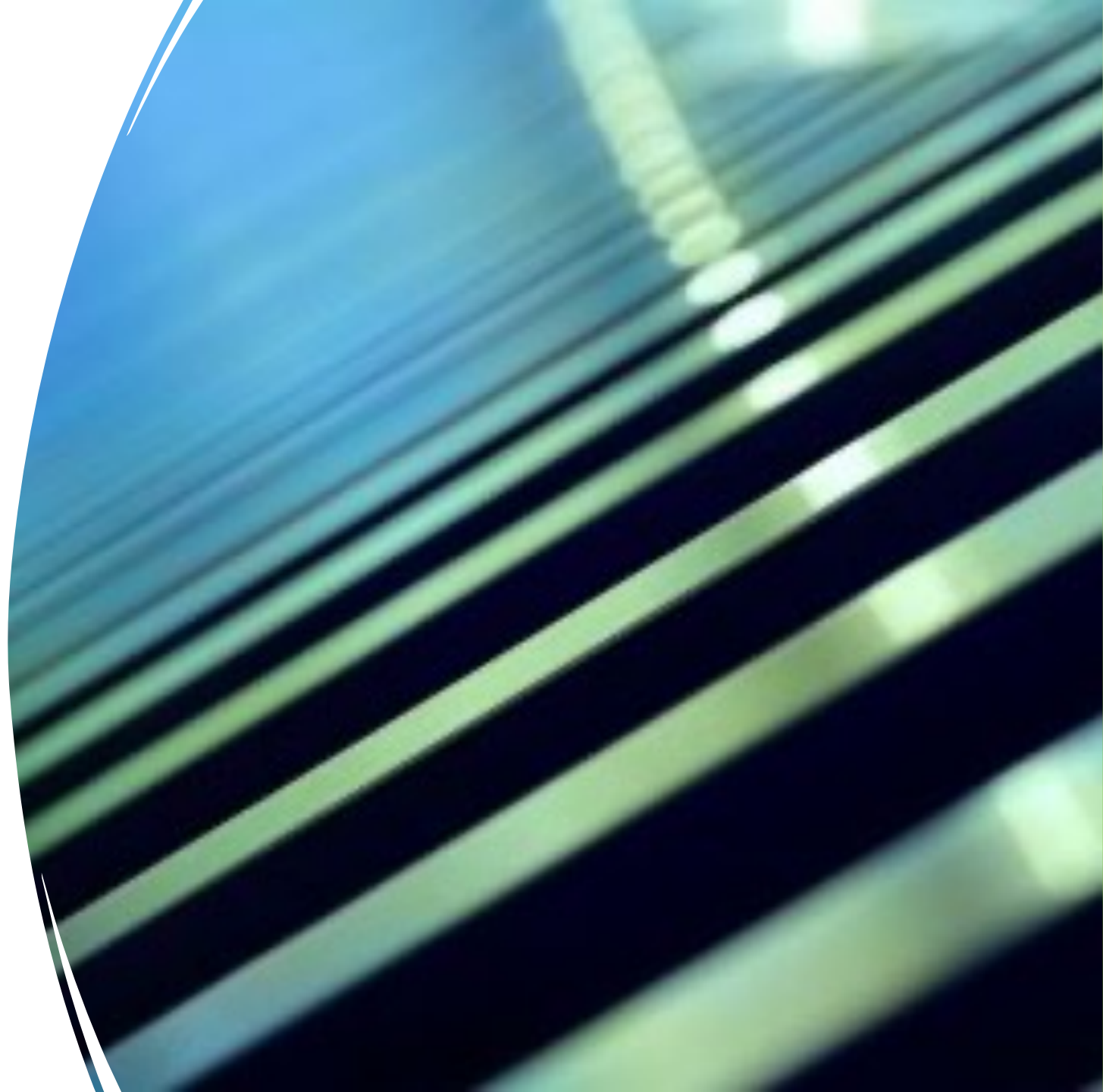


Ethical Decision Making

Concluding Reminder from SAMHSA regarding Professional and Ethical Responsibilities:

“Adhere to established professional codes of ethics that define the professional context within which the counselor works to maintain professional standards and safeguard the client.”

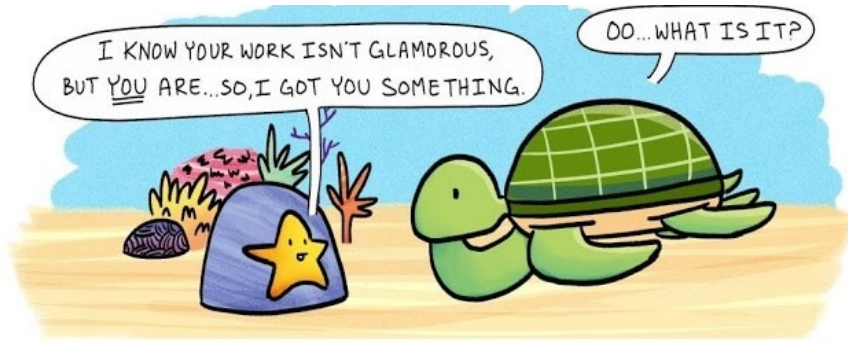
Source: Substance Abuse and Mental Health Services Administration (SAMHSA) (2014). *Addiction Counseling Competencies: The Knowledge, Skills, and Attitudes of Professional Practice (Technical Assistance Publication Series: TAP 21)*. SAMHSA: Rockville, MD





CONCLUSION AND WRAP-UP

Questions and Final Comments



You deserve the best

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