DENISE BEAGLEY, M.Sc.

Crisis Intervention Specialist
Chandler Fire Department

Manager of Clinical Initiatives & Training

Denise.Beagley@asu.edu
Denise.Beagley@gmail.com

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COURSE OBJECTIVES

- examine ethical dilemmas in the age of technology
- illustrate the development of values
- define ethics
- review the various codes of ethics
- discuss the major ethical principles
- review unprofessional conduct
- list the steps of ethical decision-making and apply to the scenarios
ACTIVITY:
Think about an ethical dilemma that you have heard about in the news or previous employment?
SECTION I: ETHICAL DILEMMAS IN THE AGE OF TECHNOLOGY

Ethical Codes and Licensing Boards have not caught up with the TECHNOLOGY

In some cases … provide little guidance
ethics codes cannot do our questioning, thinking, feeling, and responding for us.  
such codes can never be a substitute for the active process by which  
the individual therapist or counselor struggles with the sometimes  
bewildering, always unique constellation of questions, responsibilities,  
contexts, and competing demands of helping another person.  

ethics must be practical.  
clinicians confront an almost unimaginable diversity of situations, each  
with its own shifting questions, demands, and responsibilities. Every  
clinician is unique in important ways. Every client is unique in  
important ways.  

ethics that are out of touch with the practical realities of  
clinical work, with the diversity and constantly changing  
nature of the therapeutic venture, are useless.  

POPE & VASQUEZ, 1998, XIII–XIV

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**ACCEPTING GIFTS**

Tim is licensed as an independent substance use counselor and works for a community based Tribally owned Behavioral Health Center. One of Tim’s clients is a referral from the Tribal Court. This client is also the one of the siblings of a Tribal Council Member. As a favor, the client’s treatment was increased to the highest level of care. 

At the end of 12 weeks, the client was transferred to a less intensive level of care. The case was transferred to a new case manager. During their fifth week, the client came to pay Tim a visit. They were very appreciative for what Tim had done. They presented Tim with two tickets to the Cardinals vs Niners game on the 49 yard line. The client said that their culture says for them to “return good with good” and they have to accept it as a gift.
SECTION II: DEVELOPMENT OF VALUES

EXAMPLES OF COMMON VALUES

- **compassion** – empathy for and actions to relieve other’s suffering
- **confidentiality** – keeping a secret
- **fidelity** – keeping a promise; fulfilling obligations and duties
- **golden rule** – treating others only as you consent to being treated
- **honesty** – telling the truth
- **integrity** – conforming to one’s ethical principles and moral values
- **privacy** – kept from public view
- **respect** – regard for the dignity of self and others
VALUE FORMATION

- how were your values formed?
- who are the influences in your life?
- think about where your ideas and feelings come from regarding these values?

GOOD V. EVIL

integrity  confidentiality

ethics

informed consent  responsibility  core values  beneficence
MANDATED REPORTING IN ARIZONA

Child Abuse Hotline Stats
1. Our top three mandated reporters are law enforcement, medical professionals, & education professionals
2. Due to the COVID-19 pandemic and school closures, call volume to the child abuse hotline has dropped
3. Specifically, calls from education professionals as mandated reporters have dropped 90%
4. This is of great concern to the department as we know children are experiencing abuse and are in need of protection

WHAT MUST BE REPORTED IN ARIZONA

Abuse - can be physical, emotional or sexual abuse
Inflicting physical injuries
Inflicting serious emotional damage
Sexual abuse or sexual acts upon minors
Permitting a child to enter or remain in any home, structure or vehicle where people are manufacturing dangerous drugs

Neglect - Inability or unwillingness of a parent or guardian to provide proper supervision that exposes the child to unreasonable risk of harm to the child’s health or welfare
Lack of food
Lack of clothing
Lack of proper shelter
Lack of proper medical care
Exposing children to other harms—sex acts, drugs, violence
“Reportable Offenses” listed in A.R.S. § 13-3620(P)

List of criminal offenses, which includes such things as:
Indecent exposure
Public Sexual Indecency
Sexual Assault
Child Molestation
Unlawful Distribution of Nude Images—Sexting—intentionally disclosing electronic images of a person without that person’s consent
Sexual Conduct with a Minor
No required reporting if conduct involves only minors 14, 15, 16, or 17 years of age and nothing indicates the conduct is anything other than consensual

Don’t worry about strict statutory elements of these listed crimes. When in doubt, make a report.

SECTION III: DEFINE ETHICS
ethics defined

ethics: morals or principles that govern a person's conduct or behavior
- personal beliefs
- rules of conduct
- study of moral philosophy

provides a framework for understanding and interpreting right and wrong

“that branch of philosophy dealing with values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.”

MERRIAM-WEBSTER
“Ethics brings structure & order to the decision-making process about our responsibilities for patient care and institutional management”

LARRY MCCULLOUGH, PhD.
importance of code of ethics

- establish guidelines to behavior and professional conduct
- protect the recipient of services
- protect the provider of services
- development of boundaries

The most frequently identified form of unethical behavior reported by practicing mental health professionals is **BREACH OF CONFIDENTIALITY.**
SECTION IV: VARIOUS CODES OF ETHICS

CODES OF ETHICS

- **ACA** - American Counseling Association
- **NASW** - National Association of Social Workers
- **USPRA** - United States Psychiatric Rehabilitation Association
- **NAADAC** - National Association for Alcoholism and Drug Abuse Counselors
- **APA** - American Psychological Association
- **AAMFT** - American Association of Marriage and Family Therapists
AAMFT code of ethics
American Association for Marriage and Family Therapy

1. responsibility to clients
2. confidentiality
3. professional competence and integrity
4. responsibility to students and supervisees
5. research and publication
6. technology-assisted professional services
7. professional evaluations
8. financial arrangements
9. advertising

code of ethics for psychiatric rehabilitation practitioners

principles:
• ethical behavior
• integrity
• freedom of choice
• justice
• respect for diversity and culture

standards:
• competence
• informed consent
• advocacy
• propriety
ethical principles of psychologists

**general principles:**
- beneficence and nonmaleficence
- fidelity and responsibility
- integrity
- justice
- respect for people’s rights and dignity

national association of social workers code of ethics (NASW)

- service
- social justice
- dignity and worth of the person
- importance of human relationships
- integrity
- competence
Board of Behavioral Health Examiners
powers and duties

• promote the improvement of the standards of the practice of behavioral health, protect the health and welfare of the public or assist and facilitate the work of the board

• may enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation, and monitoring of chemical dependency or psychiatric, psychological or behavioral health disorders

• establish a confidential program for the monitoring of licensees

• audio record all meetings and maintain all audio and video recordings or stenographic records of interviews and meetings

NAADAC: The Association for Addiction Professionals principles

Principle I: the counseling relationship
Principle II: confidentiality and privileged communication
Principle III: professional responsibilities and workplace standards
Principle IV: working in a culturally-diverse world
Principle V: assessment, evaluation and interpretation
Principle VI: e-therapy, e-supervision and social media
Principle VII: supervision and consultation
Principle VIII: resolving ethical concerns
Principle IX: publication and communications
4 MAJOR ETHICAL PRINCIPLES

- **autonomy** - freedom to make one’s own decisions
- **beneficence** - doing what is best
- **justice** - being fair
- **non-maleficence** - avoiding harm

*these major ethical principles act as the backbone for various Codes of Ethics*
ethical decision making: the process of evaluating a choosing actions consistent with ethical principles

- necessary to eliminate unethical options

process of making ethical decisions:

- **commitment**: desire to do the right thing regardless of cost
- **consciousness**: awareness of moral convictions and applying it to daily behavior
- **competency**: ability to collect and evaluate information and foresee potential risks or consequences

(“making ethical decision,” 2016)

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**ETHICAL STANDARDS**

- commitment to client: DTS - DTO
- informed consent
- competency
- dual relationships
- conflicts of interest
- confidentiality/access to records

*confidentiality is the most common identified form of unethical behavior*

- do **not** engage in sexual relationships with clients or their family members
In 1968, Tatiana Tarasoff was a student at the University of California at Berkeley. She was dating a fellow student by the name of Prosenjit Poddar, who was obsessed with her. When Tarasoff broke off their relationship, Poddar bought a gun to orchestrate a life-threatening situation to prove his love. His psychiatrist, Dr. Lawrence Moore, believes he had a DX of paranoid schizophrenia with psychotic delusions. He informed the campus police, but they determined Poddar stable and released him.

_TARASOFF DUTY_

those involved:
- Prosenjit Poddar
- Tatiana Tarasoff
- Dr. Lawrence Moore

• meet
• date
• Tarasoff breaks it off
• Poddar's obsession

• stalking
• Poddar seeks counseling at University Medical Center
• talks about murder ideation

- 8 sessions
- therapist gives warning to campus PD
- Poddar quits therapy, Moore consults supervisor
Poddar continued to stalk Tarasoff until he reached his breaking point. He broke into Tarasoff’s house armed with a knife and pellet gun. He proceeded to shoot her with the pellet gun as she ran from him. He then stabbed her 14 times, killing her. No one had informed Tarasoff of Poddar’s intentions.

The duty to warn with anything requires that you go the person being threatened and the authorities.

Tarasoff case background

- Police talk to Poddar
- Poddar is released
- Poddar continues stalking behavior
- Dr. Powelson (Moore’s supervisor) orders therapy notes destroyed
- October 27, 1969
- Poddar confronts Tarasoff at her home
- Tarasoff attempts to leave
- Poddar stabs Tarasoff to death with a kitchen knife he brought with him
- Poddar is charged with first-degree murder
the Tarasoff case can serve as a model for ethical decision-making in clinical care.

There are often several solutions to a problem:

- Examine the facts of the case.
- Judge the significance of the facts.
- Background material and analogous cases should be researched.
- Few solutions can be labeled as perfect solutions.

Tarasoff’s parents were angry with the university mental health professionals.

- The case was brought to the California Supreme Court.
- Made a ruling in 1976.
- They ruled that it is the therapist’s obligation to report threats.
- Created the duty to warn.

Her parents brought a wrongful death suit against the Regents of the University of California.
commitment to client: **DTS - DTO**

the **duty to warn** refers to a counselor's obligation to **warn** identifiable victims

the **duty to protect** is a counselor's **duty** to reveal confidential client information in the event that the counselor has reason to believe that a third party may be harmed
**UNPROFESSIONAL CONDUCT**

- **A.R.S. 32-3251(12)** identifies items that are considered unprofessional conduct by a licensed behavioral health professional in Arizona.
- Those individuals licensed as behavioral health professionals should become familiar with these items and their reporting procedures.
- Post-professional relationships with clients after therapy ends is no longer allowed in Arizona.

**UNPROFESSIONAL CONDUCT**

- Conviction of a felony.
- Use of fraud or deceit in connection with rendering services as a licensee or in establishing qualifications pursuant to this chapter.
- Any oral or written misrepresentation of a fact by an applicant or licensee.
- Any false, fraudulent or deceptive statement connected with the practice of behavioral health, including false or misleading advertising by the licensee or the licensee’s staff or a representative compensated by the licensee.
- Securing or attempting to secure the issuance or renewal of a license by knowingly taking advantage of the mistake of another person or the board.
- Active habitual intemperance in the use of alcohol or active habitual substance abuse – medical marijuana cards – legalized 2020.
once a client, **always** a client.

**ETHICS IS NOT...**

- ethics is not religion
- ethics is not science
- ethics is not the same as feelings
- ethics is not following the law
- ethics is not following culturally accepted norms
SECTION V: DISCUSS THE MAJOR ETHICAL PRINCIPLES

Ethics don’t exist in a vacuum.

ANONYMOUS
SECTION VI: DIFFERENTIATE BETWEEN THE VARIOUS ETHICAL DILEMMAS

ETHICAL DILEMMAS

- An ethical dilemma is when two or more ethical standards conflict with each other.
- Most dilemmas are resolved by reviewing your code of ethics or what is determined to be unprofessional conduct.
- When we face an ethical dilemma, it is prudent to demonstrate that the dilemma was carefully considered before a decision was made.
Ethics is knowing the **difference** between what you have a right to do and what is right to do.

POTTER STEWART

### 4 TYPES OF DECISION-MAKING

- Clinical Decision-Making
- Risk Management
- Legal Decision-Making
- Ethical Decision-Making
  - Professional ethics
  - Personal values and morality
ETHICAL DILEMMAS

- ethical dilemmas always involve a choice
- these choices should factor in ethical standards, state and federal law
- it is important to use available resources within your agency. those resources should include the person providing clinical supervision, risk management and legal resources when appropriate

ETHICAL DECISION-MAKING PROCESS

1. recognize an ethical issue
2. get the facts
3. evaluate alternative actions
4. make a decision and test it
5. act and reflect on the outcome
SECTION VII: APPLY THE ETHICAL DECISION-MAKING PROCESS TO THE SCENARIOS

JUSTIFYING YOUR ETHICAL DECISIONS

- take approximately 20 minutes
- you will create an ethical dilemma scenario and determine the proper course of action
- using the codes of ethics links provided, evaluate the situation and make a decision for the action that you will take
- provide justifications (i.e. ethical standards, reasonable expectations)
- write down your individual work in the chat window
CREATE AN ETHICAL DILEMMA

- create a realistic scenario
- use the example case study as a guide
- be sure to change the identifying personal details to protect all involved parties
- use some creativity with your story but keep it professional

ETHICAL DECISION MAKING

GROUP ACTIVITY
DEPARTMENT OF CORRECTIONS

Jorge is a programs coordinator for the Arizona Department of Corrections, Rehabilitation and Re-entry. Inmate Richardson requests assistance from the programs coordinator to find out his release date and, if necessary, call his family to arrange to be picked up upon release. Inmate Richardson believes his release date is within the next two weeks but wants to confirm the correct dates.

Jorge believes that inmate Richardson should have requested this information a month ago and the inmate’s urgency is his own problem. Jorge provides a response to Inmate Richardson advising him, that he needs to write an Inmate Letter to the Time Computation Unit, and two weeks is ample time for him to mail a letter to his family to arrange pick up. Inmate Richardson does what the Programs Coordinator tells him. Inmate Richardson was released the very next week; he never received a response from the Time Computation Unit, as it takes 20 days to receive a response per policy. Inmate Richardson was dropped off at the nearest bus station at Yuma, with no bus ticket. Inmate Richardson was released on community supervision to Winslow and must report to his parole officer by 5 pm that same day.

DUAL RELATIONSHIP

Sue is newly licensed substance use counselor who is also in recovery for her own addiction. She has been attending 12 Step Meetings at AA for several years. She begins to notice clients from the treatment center attending the same meetings. At first, she does not see too big of a problem, after all it is an anonymous program and she was at the meetings first. After a month or so, she becomes uneasy with some of the clients attending and notices, perhaps, some of them might be high, or having an intimate relationship. Sue becomes reluctant to share in meetings and clients begin to interact with her in the meetings, which concerns her. Clients begin to share with others in the treatment center that they see Sue when they go to meetings. She staffs this with her Clinical Director, and sponsor, who advise her to change her meetings due to the possible ethical dilemma. Sue takes the direction and stops attending the meetings where clients are going.
SUPERVISOR AND SUBORDINATES

David is a Manager and has over 20 employees he supervises. Mark is David’s Associate Director. Mark has been addressing David’s subordinates and has been issuing directives that contradict what David has in place without his knowledge. Mark’s directives do not conform to department policy, but it is the way Mark likes things to be done, “The old way.” David addresses the situation with Mark but continues to disseminate the same directives.

What would be your course of action?

CASE STUDY

SOCIAL MEDIA GUIDELINES

Jamie has been working in healthcare for the last six years and one of her patients, Maria, maintained a hospital-sponsored communication page to keep friends and family updated on her battle with cancer. One day, Maria posted about her depression. As her nurse, Jamie wanted to provide support, so she posted, “I know the last week has been difficult. Hopefully the new happy pill will help, along with the increased dose of morphine. I will see you on Wednesday.” The site automatically listed the user’s name with each comment. The next day, Jamie was shopping at the local grocery store when a friend stopped her to ask about Maria’s condition. “I saw your post yesterday. I didn’t know you were taking care of Maria,” the friend said. “I hope that new medication helps with her pain.”

CASE STUDY
SECTION VIII: PROFESSIONAL BOUNDARIES AND ETHICAL VIOLATIONS

- self-disclosure
- after-hours involvement
- personal phone numbers
- gifts
- money
ETHICAL VIOLATIONS

- practitioners have the responsibility to report unethical practices
- there are several ways to report
- AZ Board of Behavioral Health
  http://www.azbbhe.us/

We are **mandated** to report ethical violations.

AZBBHE
SUMMARY

- various codes of ethics follow similar value structures
- Codes of Ethics define the professional and establish boundaries that protect both the client and the practitioner
- there are different approaches to evaluate ethical dilemmas
- ethical decisions should be the result of careful deliberation and consultation

SECTION IX: NEXT STEPS
### RESOURCES

Arizona State University-Center for Applied Behavioral Health Policy
[cabhp.asu.edu/professional-development](http://cabhp.asu.edu/professional-development)
Markkula Center for Applied Ethics
[www.scu.edu/ethics](http://www.scu.edu/ethics)
Arizona Board of Behavioral Health
[www.azbbhe.us/](http://www.azbbhe.us/)
NASW Code of Ethics
USPRA Code of Ethics
Management Study Guide
[www.managementstudyguide.com/sourc](http://www.managementstudyguide.com/sourc)

### RESOURCES

NAADAC Code of Ethics
APA Code of Ethics
ARS 32-3251
University of Rochester
[https://www.urmc.rochester.edu](https://www.urmc.rochester.edu)