

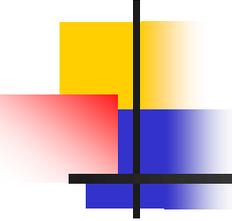
Dilemmas in Ethical Practice and Strategies for Decision Making

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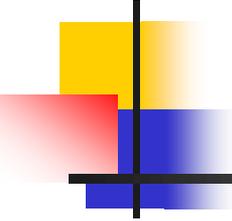
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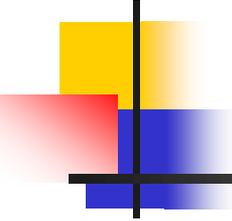
8 Fundamental Assumptions about Ethics (Pope & Vasquez, 2016)

- 1) Ethical intelligence is an active process of continuous awareness that involves constant questioning and personal responsibility.
- 2) Awareness of ethical codes is crucial, but formal codes cannot take the place of an active, thoughtful, creative approach to our ethical responsibilities.



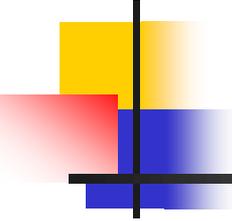
8 Fundamental Assumptions about Ethics (Pope & Vasquez, 2016), cont.

- 3) Awareness of laws is crucial, but legal standards should not be confused with ethical responsibilities.
- 4) The overwhelming majority of supervisors, therapists and counselors are conscientious, dedicated, caring individuals, committed to ethical behavior. But none of us is infallible.



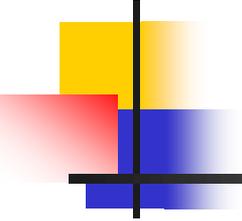
8 Fundamental Assumptions about Ethics (Pope & Vasquez, 2016), cont.

- 5) Many of us find it easier to question the ethics of others than to question what we ourselves value, believe, and do.
- 6) Most of us find it easier to question ourselves on those intriguing topics we know we don't understand. We must question ourselves about our casual certainties.



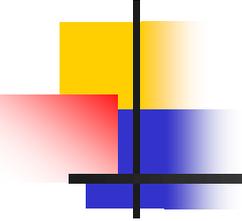
8 Fundamental Assumptions about Ethics (Pope & Vasquez, 2016), cont.

- 7) We often encounter ethical dilemmas without clear and easy answers.
- 8) We and our clients do not live in a vacuum. We act in accordance with an ethic of social justice.



Definition of an Ethical Dilemma

- An ethical dilemma is a situation for which “no course of action seems satisfactory. The dilemma exists because there are good, but contradictory ethical reasons to take conflicting and incompatible courses of action.” (Kitchener, 1984, p. 43).



Moral Principles and APA Ethics Code General Principles

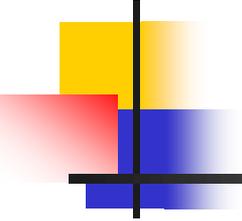
- *Kitchener's Moral Principles*

- Nonmaleficence
- Beneficence
- Fidelity

- Justice
- Autonomy

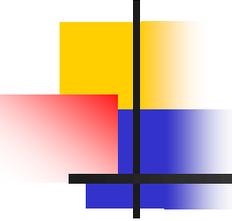
- *Ethics Code General Principles*

- A. Nonmaleficence & Beneficence
- B. Fidelity & Responsibility
- C. Integrity
- D. Justice
- E. Respect for People's Rights & Dignity



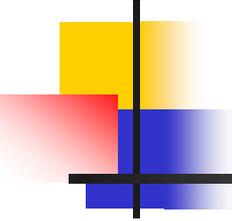
Principle A: Beneficence & Nonmaleficence

- Psychologists strive to benefit those with whom they work and take care to do no harm, including inflicting intentional harm nor engaging in actions which risk harming others.



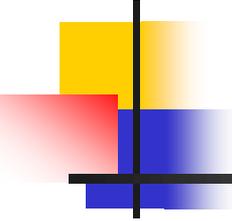
Boulder Conference

- “we have left therapy as an undefined technique which is applied to unspecified problems with a nonpredictable outcome” (Lehner, 1952, p. 547).



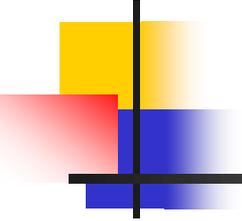
Scenario for Discussion

- Your supervisee is leading a therapy group and is into its eighth month of weekly meetings, and you are observing through a one-way mirror. One of the members of the group begins sobbing, describes terrible feelings of depression, and ends by pleading, “I need someone to hold me!” Bob, another members of the group, spontaneously jumps up and goes over to the other member, who stands up. As they embrace, it becomes obvious that Bob is getting an erection. He continues the hugging, which the other group member seems to find comforting, and seems to be stimulating himself by rubbing up against the other person.



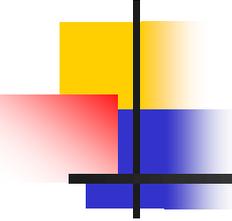
Scenario for Discussion (cont.)

- When you imagine this scenario, what do you feel?
- What would you, as a supervisor, do to guide your supervisee to do in dealing with this situation? Would you suggest calling attention to what is happening? If so, how?
- If you were the therapist, could you imagine that such an event might make you feel aroused? Frightened? Upset? Angry? Confused?
- Do any of the following considerations change the feelings that this scenario evokes in you:
 - Whether Bob and the client are the same gender
 - Whether Bob is suffering from schizophrenia
 - Whether Bob is a pedophile
 - Whether the client receiving the hug seems to be aroused
 - Whether Bob (or the client) had been sexually abused during childhood
 - Whether this is an impatient group
 - Whether the client receiving the hug has sued a prior therapist for malpractice in regard to sexual issues



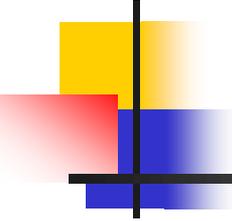
Principle B: Fidelity & Responsibility

- Psychologists establish relationships of trust with those with whom they work. Fidelity involves questions of faithfulness, loyalty, and promise keeping.
- We must also be aware of our responsibilities to society and to the specific communities in which we work.



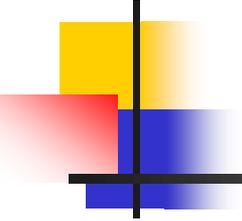
Scenario for Discussion

- During a session, a patient mentions that because of her job, she receives many free tickets to concerts, plays, and other events. She loves giving them to her various doctors because she greatly appreciates their hard work and because it costs her nothing. She tells you that the day before she mailed you a pair of tickets to an upcoming concert because you had happened to mention that you are a fan of the performer. You have tried to find tickets to take your daughter, who very much wants to attend, but tickets were immediately sold out and no source seems to have them available at any price. You have just provided a presentation to your supervisees about using judgment in not accepting major gifts from clients, but to be sensitive to rejection of minor gestures of appreciation.



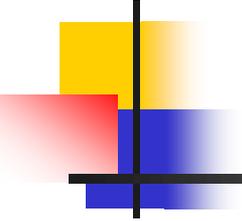
Scenario for Discussion (cont.)

- What do you feel?
- How do you apply principles of fidelity and responsibility? What issues do you consider?
- Is there any more information that you would want before deciding what to do? If so, what information would you seek?
- Under what conditions, if any, would you accept the tickets? After the session is over, how, if at all, would you describe this situation in your notes?



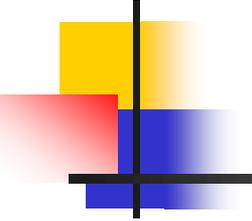
Principle C: Integrity

- Psychologists are encouraged to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology.



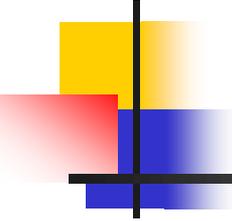
Principle D: Justice

- Justice, in its broadest sense means "fairness"; dealing with others as one would like to be dealt with oneself, behaving towards others in an impartial manner, and treating others equally.



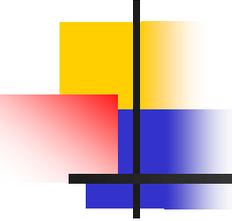
Principle D: Justice (cont.)

- “Psychologists recognize that fairness and justice entitle all persons to access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists.” Psychologists ...ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.”



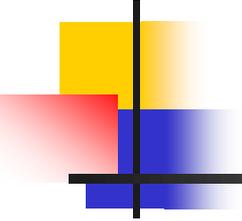
Scenario for Discussion

- You have an intern, who has approached racial/ethnic minority organizations on campus to encourage referrals to him. He talked about this strategy as a way to build his expertise and specialty, but does not do anything to gain training and experience in working with a diverse group of clients, and in fact bragged about getting out of a required multicultural training course. You've heard from other trainees that the intern belittles the cultures and customs of some of his clients, and talks about privately opposing the scholarship program that the head of the factory had set up for children of the employees in his home town. He has a strong sense of entitlement that he should be able to develop a practice with wealthy clients, after he gets his basic practice going.



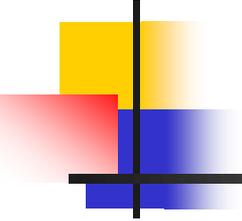
Scenario for Discussion (cont.)

- What do you feel?
- What issues do you consider?
- What additional information do you wish to have?
- What are some options for action?



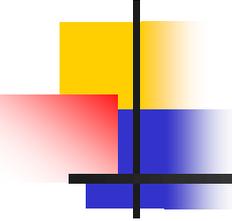
Principle E: Respect for People's Rights and Dignity

- Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination; autonomy involves the concept that the autonomous person has the responsibility for one's own behavior, freedom of choice, and making a decision, and is at liberty to choose one's own course of action.



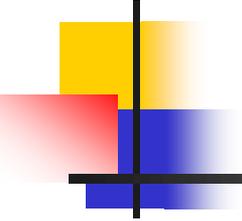
Ethical Decision-Making Model

- **1. Identify the problem.**
- **2. Identify options and alternatives to consider and potential consequences of each option.**
- **3. Consult with professionals knowledgeable about ethics.**
- **4. Consider and evaluate the rights, responsibilities and welfare of the client, and others involved**
- **5. Make a decision and devise and implement a plan for implementation of the decision.**
- **6. Document the process and the results.**



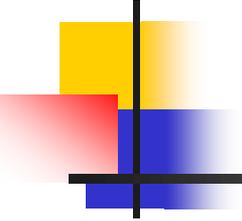
Mechanisms of Accountability

- Ethics Committees
- Civil (malpractice) Courts
- State Licensing Boards
- Criminal Courts



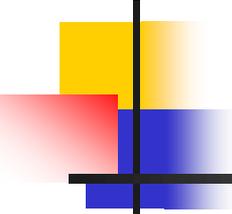
APA Ethics Committee Problem Areas/Violations (2013)

- Limited right to resign while “under ethics investigation”
- More recent problems:
 - exceptions to confidentiality,
 - mandatory reporting for suspected child abuse,
 - disclosures of confidential information to protect third parties,
 - executive coaching,
 - forensic and child custody matters,
 - gifts from clients,
 - maintaining test security,
 - multiple relationships



The Trust-Losses from Major Allegations-March, 2015

- Percentage of claims for custody disputes has increased from 9% to 11%
- The percentage of claims for sexual misconduct has increased from 3% to 5%
- The percentage of claims involving suicide has been stable at about 5%
- Forensic work (custody evaluations and evaluations affecting hiring, promotion, or retention in the workplace, etc.) represent an emerging high-risk area of practice
- Suits filed in retaliation for fee collection appear to have decreased from 7.5% to 3%
- Other major areas include credentialing/billing improperly and dual relationships/boundary violations

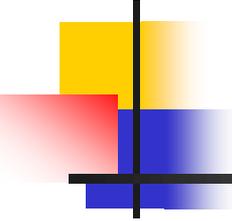


REPORTED DISCIPLINARY ACTIONS FOR PSYCHOLOGISTS—ASPPB 1974-2014

Compiled from actions reported to the ASPPB Disciplinary Data System by ASPPB member boards.

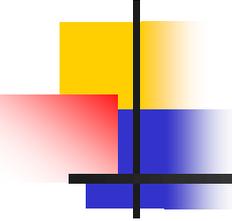
<u>Reason for Disciplinary Action</u>	<u>Number Disciplined</u>
Unprofessional Conduct	919
Sexual Misconduct	893
Negligence	586
Nonsexual Dual Relationship or Boundary Violation	585
Conviction of Crime	466
Failure to Maintain Adequate or Accurate Records	395
Failure to Comply with Continuing Ed or Competency Requirements	346
Incompetency	307
Improper or Inadequate Supervision or Delegation	285
Substandard or Inadequate Care	282
Other	4,205

Based on 5,582 total reports of disciplinary action submitted to the ASPPB Disciplinary Data System*. Obtained through personal communication, April, 2015



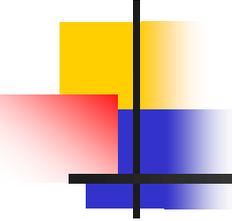
Criminal Statutes

- Fraud related to third party billings
- Sexual involvement with patients (@ 25 states)



APA Commission on Ethics

- Working Groups:
 - Ethics adjudication/education
 - Ethics Committee's policies and procedures
 - APA institutional culture, structure and external relationships/power influences
 - Benchmarking, looking at best practices of other organizations
 - Communications to and from members and governance groups.



APA Independent Review (Hoffman Report, 2015)

- Report available at
<http://www.apaorg/independent-review/APA-Final-Report-7-2-15.pdf>
- <http://kspope.com/kpope/Hoffman.php>
- <http://melbavasquezphd.com/HoffmanReport.pdf>
- <https://www.psychologytoday.com/blog/the-fight-against-hate/201507/torture-apa-and-the-hoffman-report-what-now>