Ethics and Boundaries

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Learning Objectives

- Understand the definition of ethics
- Understand current practice standards
- Identify ethical challenges in practice
- Develop strategies for minimizing risk for ethical violations
- Understand importance of maintaining professional boundaries
- Understand the difference between boundary violations and boundary crossing
- Implications of self-disclosure
- Understand digital/electronic boundaries

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Definition of Ethical

- Pertaining to or dealing with morals or the principles of morality; pertaining to right and wrong in conduct

- Being in accordance with the rules or standards for right conduct or practice; especially the standards of a profession

(http://dictionary.reference.com/browse/ethical)

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Definition of Ethics

- "A codification of the special obligations that arise out of a person's voluntary choice to become a professional, such as a social worker"
- "Professional ethics clarify the professional aspects of a professional practice"
- "Professional social work ethics are intended to help practitioners recognize morally correct practice and learn how to decide and act ethically in any professional situation"

(Dolgoff, Loewenberg, & Harrington, 2009)

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Ethical Dilemmas

Not all difficult decisions that social workers need to make are ethical dilemmas

- Termination of services
- Reporting client's illegal behavior to law enforcement
- Termination of parental rights
- Assisting a client in gaining access to abortion services

Ethical Dilemmas arise when:

- There is conflict between client, client system, workers, agencies, community, and profession in regard to:
    - Defining the problem
    - Goal setting
    - Identifying priorities
    - Determining how goals will be reached
    - Defining desired outcomes
    - Evaluation of success/failure

(Dolgoff, Loewenberg, & Harrington, 2009)

Because…

Each involved participant has differing views on

- Human nature
- Values
- Issues
- System policies

(Dolgoff, Loewenberg, & Harrington, 2009)

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Examples of poor ethical behavior

- Bribery/use of personal money
- Letter of recommendation

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How to improve ethical behaviors

- Observation (thoughts, feelings, behaviors, attitudes)
- Consultation
- Practice, practice, practice
- Being aware of professional and personal values
- Being able to clarify and discuss conflicting values

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Collision of personal and professional values

- What do you do when your personal values conflict with professional values?
- When might this occur?
- Is it okay to use your personal values when making professional decisions?
- What do you do if you realize you made a decision based on personal values instead of professional values?

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What happens when the law and ethics collide?

"Instances may arise when social workers' ethical obligations conflict with …relevant laws or regulations. When such conflicts occur, social workers must make a responsible effort to resolve the conflict in a manner that is consistent with the values, principles, and standards expressed in this Code. If a reasonable resolution of the conflict does not appear possible, social workers should seek proper consultation before making a decision."

(NASW Code of Ethics)

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When might you choose ethics over law?

- Working with undocumented individuals
- Working with individuals who are HIV positive or have AIDS
- Client/worker privilege
- Other examples?

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Consequences for unethical practice

- Social workers can be held liable for malpractice in civil suits (potential monetary charges)
- Social workers can be held liable for malpractice in criminal cases (potential criminal sanctions)
- Social workers can be held liable for professional sanctions (sanctions with MN BOSW, loss of licensure)

(Dolgoff, Loewenberg, & Harrington, 2009)

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Examples of possible malpractice suits

- Providing treatment without obtaining and documenting consent
- Providing client with incorrect diagnosis and incorrect treatment interventions
- Failure to consult with or refer a client to a specialist
- Failure to prevent or causing a client's suicide (this is a tough one)
- Breach of confidentiality
- Sexual involvement with client(s)
- Abrupt or inappropriate termination of treatment
- Failure to report suspected abuse or neglect
- Use of unestablished practice methods
- Practicing beyond scope of competence

(Dolgoff, Loewenberg, & Harrington, 2009)

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How to avoid malpractice suits

- Knowledge
- Sound ethical practice
- Licensure
- Protocols for emergencies are in place and followed
- Liability insurance
- Client records are well maintained and protected
- Consulting with legal counsel when necessary
- Continuing education
- Refer to specialists for:
    - Diagnosis and treatment
    - Second-opinion referrals
    - Ruling out organic causes of problems
    - Psychological testing
    - Evaluations regarding the proper use of psychotropic meds
        (Dolgoff, Loewenberg, & Harrington, 2009)

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Traditional Boundaries

- Gifts
- Touch
- Self disclosure
- Home visits
- Dual/Multiple relationships
- Bartering
- Fees, time, length of session
- Proximity, spacing, clothing, language

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Digital Boundaries

- Online self-disclosure and online transparency
- Clients Googling professionals
- Accessibility between services via cell phone, text, e-mail, chats, Skype, Facebook
- Texting or cell phone calls during service
- Professionals Googling clients
- Social networking with clients (Facebook, Twitter, Snapchat, LinkedIn, etc.)

The Helping Relationship and Boundaries

- Distinguishes the helping relationship from other types of relationships (social, business, intimate relationships)
- Outlines the "helping frame"
- Defines the service-fiduciary relationship
- Illustrates the protection of the power differential

Boundary Violations Vs. Boundary Crossings

- Boundary violations
  - Cross the line of decency, violate or exploit their clients, or intentionally harm them
    - Sexual exploitation
    - Abuse of power
    - Financial exploitation

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Boundary Violations Vs. Boundary Crossings

- Boundary crossings
  - Neutral, appropriate, ethical, benign, or clinically effective interventions
  - Traditional
    - Appropriate self-disclosure
    - Home visits for service provision
    - Non-sexual, comforting touch
    - Appropriate gifts or bartering
    - Escorting client to an important appointment
  - Digital
    - Appropriate emails/texts between sessions
    - Googling clients for safety reasons

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Types of Boundaries

- AROUND the helping relationship
- BETWEEN the professional and the client

Around Boundary

- Traditional
    - Time
    - Place of service (home visit, etc.)
    - Fees & bartering
    - Confidentiality
- Digital
    - Digital and confidentially and privacy

Between Boundary

- Traditional
  - Self-disclosure
  - Touch, gifts, dual relationships
  - Language and dress, proximity
- Digital
  - Social networking with clients
  - Emails, texts, chats, Skype
  - Clients googling service providers
  - Service providers googling clients

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Types of Boundary Crossings/Violations

- Service provider initiated boundary crossing and boundary violation
  - Example: Googling clients

- Client initiated boundary crossing and boundary violation
  - Example: Client's Facebook friend request

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Boundary Violations

- By Service Provider
  - Sex, inappropriate gifts, language, attire, exploitative dual relationships, misuse of power
- By Client
  - Inappropriate gifts, language, attire, cyber stalking, Internet harassment, abuse of power

Self-Disclosure

- Self-disclosure is revealing of personal rather than profession information about the service provider to the client.

Types of Self-Disclosure

- Traditional
  - Verbal vs. Non-Verbal
  - Deliberate – Intentional
  - Unavoidable – Accidental
- Digital
  - Web transparency
  - Clients' actions on the web

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Service Providers' Transparency in the Digital Age

- Clients Googling service providers
- Online evaluations (Yelp)
- Social networking (Facebook, etc.)
- Licensing boards

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The "Google Factor"

- Level 1 : Curiosity ("Google light")
- Level 2: Due diligence – thorough search
- Level 3: Intrusive search to listservs
- Level 4: Deceitful – FaceBook, chatrooms
- Level 5: Illegal search – Cyber-stalking
  - (Zur, 2016)

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Internet Disclosures

- Expect to be Googled
- Watch what you post
- Google yourself regularly

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Phones or Texting During Service Provision

- Clients
    - Receiving or making phone calls
    - Receiving or sending texts
        - NORMAL for many digital natives
- Service Provider
    - Receiving or initiating phone calls
    - Receiving or sending texts

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To Google or Not to Google Our Clients

- Is it ethical?
- Do we need to tell the clients?
- Do we need an informed consent?
- What is the standard of care?

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To Google or Not to Google Our Clients

- When is it ethical?
- Do we need to always tell clients?
- Do we always need an informed consent?
- Is it ethical if it may save lives?
- What about home office and other safety considerations?
- Should we add a note to Office Policies?
- Are there any guidelines?

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To Google or Not to Google Our Clients

- The answers all depend on the CONTEXT
  - Client
  - Service Provider
  - Setting
  - Service Provision
  - Relationships

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Internet Search Policies Examples

- At times I may conduct a web search on my clients before the beginning of therapy or during therapy. If you have concerns or questions regarding this, please discuss with me.
- While my present or potential clients might conduct online searches about my practices and/or me. I do not search my clients on Google , other search engines, or on social networking sites. If clients ask me to conduct such searches or review their websites or profiles and I consider it might be helpful, I will consider it.
- It is NOT a regular part of my practice to search for clients on Google or Facebook or other search engines. Extremely rare exceptions may be made during times of crisis or emergency.

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Responding to Clients' Facebook Friends Requests

- Is it ethical to have a client as a Facebook friend?
- What is on the professional's Facebook profile?
- Is it the professional's professional Facebook profile or is it a personal profile?
- What is on your Facebook profile?
- Are social media policies necessary?
- Is is a dual relationship?

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Facebook Considerations

- What is on your profile?
- Understanding how this impacts confidentiality
- Records
- Privacy settings
- Public access
- Office policies
- Dual relationships
- Proceed with caution!!!

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Social Networking Policy Example

- I do not accept friend requests from current or former clients on social networking sites. I believe that adding clients as friends on these sites can compromise your confidentiality and our privacy. For the same reason, I am requesting that clients do not communicate with me via any interactive or social networking website.

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Emailing Clients

- Is email consider client contact?
- Is email part of client records?
- Is it confidential?
- Is it encrypted?
- Email signature that this is not a confidential form of communication
- How often do you check email?

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Email Signatures

- This message is confidential, intended for the named recipient(s) and may contain information that is privileged or exempt from disclosure under applicable law. If you are not the intended recipient(s), you are notified that the dissemination, distribution, or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above and delete this email from your computer. Thank you.

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Email Policy Example

- I prefer using email only to arrange or modify appointments. Please do not email me content related to your therapy sessions, as email is not completely secure or confidential. If you choose to communicate with me by email, be aware that all emails are retained in the logs of your and my Internet service providers. While it is unlikely that someone will be looking at these logs, they are, in theory, available to be read by the system administrator(s) of the Internet service provider. You should also know that any emails I receive from you and any responses that I send to you become a part of your legal record.

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Digital Harassment

- Clients put multiple negative postings about their service provider on the internet
- Clients post their online comments under many pseudonyms on many different sites
- Clients post special websites

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What can you do about digital harassment?

- Do not act impulsively
- Consult with colleagues and supervisors
- Consult legal experts
- Have colleagues or supervisors write positive reviews

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Online Dating

- Professionals beware that clients may be on these sites too
- What are you putting in your profile?
- What are the site's privacy settings?

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How to practice safer digitally?

- Create a social media policies

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