



# Ethical Implications with a focus on relationships/boundary setting

Jennifer H. Haywood, LISW-S, LICDC-CS

[cjhaywood@ameritech.net](mailto:cjhaywood@ameritech.net)

# Sources

- Ohio Counselor, Social Worker & Marriage and Family Therapist Board Laws and Rules, January 10<sup>th</sup>, 2017- information is adapted- not exact wording (Training is not inclusive of the entire code)
- Ohio Chemical Dependency Professionals Board Code of Ethics

# Professional Disclosure Statement (Not a requirement)

- Prior to the performance of services, the client is furnished a copy of a professional disclosure statement containing the information described in this section
- Display in a conspicuous location where services are performed, provide a copy when requested
- See enclosed
- If in private practice, must include a fee schedule listed by the type of service or hourly rate

# Professional Standards

- Recognize limitations based on competency (techs doing counseling)
- Obtain consultation or make appropriate referral when necessary (dual diagnosis care)
- Shall not discriminate based race, ethnicity, color, sex, sexual orientation, religion, age, national ancestry, socioeconomic status, political belief, psychiatric or psychological impairment, disability, amount of previous treatment the person has had (recognize your biases)

# Responsibility to clients/consumers of services as to competency

- Do not misrepresent areas of competency
- Practice only in your areas of competency according to education and training
- Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance
- While training in a new area, be sure to obtain supervision

# Continued....

- Do not diagnose, treat or advise outside your areas of competency
- Must use techniques/procedures/modalities in diagnosing and treating mental and emotional disorders that are grounded in theory and/or have an empirical or scientific foundation.
- If you are using “developing” or “unproven” techniques or theories, the risks must be explained to the client

# Confidentiality

- Should only reveal information to others:
- When the clients or other persons legally authorized to give consent on behalf of the client
- When the client has given informed consent (see enclosed example)
- EXCEPT- in those circumstances in which failure to do so would violate other laws or result in clear and present danger to client or others
- Should discuss with client issues on the release of information, and what you will and will not release

# Continued.....

- Shall be aware of and comply with all applicable state and federal confidentiality laws
- Acting in the “best interest of the client” (advocate role)
- In the presence of professional conduct, the licensee or certificate holder shall primarily be concerned with the welfare of the client
- Should not violate civil or legal rights
- Shall maintain an objective and non-possessive relationship with those he or she serves and should not exploit sexually, emotionally, financially or otherwise (old school “telling therapy”)



# Continued.....

- Shall not place in any setting that is harmful (male/female units)
- Should not offer services to someone already in a therapeutic relationship with another counselor (should not happen with appropriate biopsychosocial)
- Shall terminate when it is reasonable clear the client is not benefiting from the relationship (see other rules on discontinuation of professional services)

# Termination

- Terminate services only after giving careful consideration to factors affecting the relationship and make effort to minimize possible adverse effects. If anticipated “reasonable” notification and appropriate referral should be provided
- If leaving an agency, can refer to self ONLY if given in a list of choices, with one of the choices being the current agency you are seeing the client in
- If terminated from the agency you work in, you are NOT permitted to contact your clients

# Responsibility to clients/consumers of services as to informed consent

- Inform clients of services the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might effect the clients/consumers of services decisions to enter into or continue the relationship
- If supervised, must have client understand this, give client to opportunity to talk with supervisor and ask questions, give the phone number, and encourage the client to process concerns with worker. Sign/date (not in this area of ethics code)

# Continued...

- Use clear and understandable language about treatment up to and including cost responsibilities
- Must provide help if unable to read or comprehend
- If involuntary, must inform client of right to refuse and ramifications
- If using electronic means of providing services, must inform client of the risks
- When performing family, relationship work, must inform of the limitations of confidentiality and clarify your role

# Continued....

- Communicate information in ways that are both developmentally and culturally appropriate. Need to provide services if needed (interpreter) in the area of informed consent

# Continued...

- In group or family counseling, must inform participants of the limitation of confidentiality
- “Shall take reasonable and appropriate steps to protect the confidentiality” transmitted electronically

# Sexual harassment

- Can't sexually harass clients, supervisees, students or colleagues. This includes: sexual advances, sexual solicitation, requests for sexual favors, and other verbal, non-verbal or physical conduct of sexual nature. A client of the agency is considered a client of each counselor, social worker, or MFT employed or contracted by the agency. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

# Conduct

- Shall not physically or verbally abuse or threaten clients, family members, ex-clients or other persons encountered in professional settings.
- ANY physical touching is subject to review for appropriate professional boundaries.
- The professional will have the burden of proof to explain why physical touching was professionally necessary.



# Multiple relationships

- When first recognized or cannot be avoided (rural area), take the following professional precautions:
- All potential conflicts of interest should be discussed with the client
- Only continue with both parties agreement
- Note in the client record with rationale as to why this continues to be in the “best interest of the client” and “not harmful”
- Will be continually reassessed and justified in the record
- Consultation and supervision should be considered

# Continued...

- A client of the agency is considered a client of all
- Shall not partake if the objectivity or competency of the licensee is, or could reasonably be expected to be impaired, or where the relationship with the consumer is exploitative
- Examples that SHOULD be avoided, but not limited to:

# Continued....

- Familial relationships
- Social
- Emotional
- Financial including bartering
- Supervisory
- Administrative and/or
- Legal
- Need to consider “impaired judgment” and “the best interest of the client”

# Continued...

- Shall avoid potentially harmful effects of non-client contact on their practice that would reasonable impair the professional's objectivity or otherwise interfere with the professionals effectiveness
- When working with families when their could be a potential conflict of interest (when asked to testify in child custody case) SHALL CLARIFY THEIR ROLE WILL ALL PARTIES AND TAKE APPROPRIATE ACTION TO MINIMIZE ANY CONFLICT OF INTEREST

# Sexual Relationships

- Not engage in sexual activities or sexual contact with current clients, whether consensual or forced
- A client of the agency counts, duty on licensee to know that information
- Shall not engage in sexual intimacies until 5 years after termination. Even then, must look at chart, thoroughly examine and document in the record that such a relationship does not have an exploitative nature

# Continued...

- Shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client.

# Continued...

- If you engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is the licensee, not his or her clients who assumes the full burden of demonstrating that the client or former client has not been exploited, coerced, or manipulated, intentionally or unintentionally and shall document how this is so in the clients' record.

# Impairment of the professional

- When impaired, can't have relationships with clients, supervisees or students. Impairment could include but it not limited to:
  - Mental
  - Emotional
  - Physiological
  - Pharmacological
  - Substance abuse



# Continued...

- If a condition occurs after a relationship has begun, the relationship needs to be terminated in an appropriate manner, shall notify the client in writing, and shall assist the client in obtaining services from another professional