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**ICB 2020 Fall Conference**  
***Ethical Considerations in Behavioral Health Services***

Presented by:

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2  **Workshop Objectives**

- Overview of Ethical challenges in the substance abuse field
- Types of Ethical situations typically encountered
- Factors that can lead to unethical decision making
- Ethical standards in the substance abuse field
- Ethical Dilemmas
- A Framework for ethical decision making
- Tools/Resources to assist in resolving ethical dilemmas
- Scenarios for discussion

3  **Why are Professional Ethics so Important?**

- Protects the welfare and the dignity of the client
- Creates a uniform standard of competence that promotes trust in our profession within the community
- Ensures the rights of the client
- Protects the Counselor by offering standards of competency
- Standard Code of Conduct rules are required for program licensure and certification and billing purposes.
- It is just the right thing to do
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4  **The Scope of the Problem**

- Unfortunately, just because we are trained and qualified does not mean we will be ethical in all situations
- According to Jessica Hayes, President of ICB - Over the past year, we've had seven ethical violations reported:
  - 2 having to do with inappropriate behavior; non-sexual in nature
  - 1 having to do with a self-reported DUI
  - 1 having to do with an unreported DUI and additional substance use
  - 3 having to do with personnel issues that were handled by the agency and outside our jurisdiction (job responsibilities, hiring issues, promotion issues, not ours to police)

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5  **Ethical Violations Continued**

- Of these four, one is still under investigation, one was unfounded, one resulted in a three-month suspension with reinstatement of credential pending treatment, and one with a suspension while hearing is pending.
- Most that are reported to ICB are unfounded and/or anonymous. They do not investigate anonymous complaints
- In the last 22 years, only 3 violations that resulted in loss of certification

6  **Ethical Violations Continued**

- They have had one self-surrender their certificate, prior to incarceration for inappropriate touching, sexual in nature.
- They have had one person in the application phase, falsely represent themselves as being certified. This member is now serving time for her part in the death of client; and will never be certified
- We have had a dozen (or so) slap on the wrists for inappropriate language/talk toward a client resulting in additional ethics (and one involving a suspension)

7  **Ethical Violations Continued**

- They have had a dozen or so require additional ethics trainings for minor infractions. (Giving a client money, rides, assistance outside the boundaries of the Code of Ethics)
- They have had three suspension due to illegal drug use (marijuana, pre-legalization) all were reinstated upon completion of ethics hours
- They have had one summarily suspended credential for soliciting sex (not with a client) with illegal drug involvement and arrest - member never showed up to hearings and did not attempt to renew their certificate

8  **Summary**

- While this may not look as a huge problem overall through the course of the years, keep in mind the following...
  - Every person adversely affected by inappropriate behavior may be severely affected and may keep them from ever seeking help again
  - Not all violations are discovered or reported
  - In some situations, certain unethical behavior is not known or believed to be unethical and therefore not addressed
  - There are “borderline” situations that go unchecked

Therefore, the actual problem is most likely larger than what is reported here

9  **What is an Ethical Situation?**

- A working definition from the web...
- “Ethical situations involve the well-grounded standards of right and wrong that dictate what humans *ought* to do. These are usually put in terms of rights, duties, benefits to the society, fairness and other specific virtues. They outline a framework to establish what conduct is right or wrong for individuals and broader groups in society.”
- We are involved in ethical situations every day. As a professional, some decisions around more common issues become natural to us, but every now and then something comes up where we need to ask “What is the right thing to do in this situation?”

#### 10 **Types of Ethical Situations**

- There are many types of ethical situations we face daily, some more common than others and they may fall in one of these areas...
  - Privacy/Confidentiality of the Client
  - Dignity of the Client
  - Respect for the Client
  - Protection of the Client
  - Meeting the needs of the client
  - Appropriate boundaries in the clinical relationship
  - Competency in our role as Counselor
  - Adherence to agency policies and procedures, and regulatory bodies requirements
  - Fairness
  - Knowing when to ask for help as opposed to just doing
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#### 11 **Factors that can lead to unethical decisions**

- Lack of knowledge/training (competency) of what to do
- Acting impulsively without thinking things through
- Stress, impatience, anger, other emotional issues or past unresolved issues
- Lack of supervision/over-sight
- Lack of appropriate policies and procedures to follow
- Carelessness
- Inappropriate boundaries
- Letting one’s own issues get in the way of proper decision making
- Focused on own needs rather than the clients
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#### 12 **Ethical Standards**

- As professionals we are responsible for knowing and adhering to our credentialing bodies code of ethics – do you keep a copy of the ICB code of ethics available?
- Agency policies and procedures will also assist the counselor in appropriate practices for the workplace

- SUPR rule 2060 also has guidelines for us to follow
- HIPAA Standards
- Any Regulatory bodies standards
- The general medical practice motto of "Do no harm" applies to us as well

13  **How can we best ensure we will act ethically?**

- Gain all the knowledge you can about what is right and wrong in our field – know all applicable standards
- Address any unresolved emotional issues you have
- Focus on the needs of the client
- Ask for help when needed
- Avoid situations where it may be easy to commit a violation such as working alone or without oversight
- Discuss your decisions in supervision
- Consult before making important decisions
- Good self care to manage stress
- Maintain appropriate boundaries at all times

14  **Ethical Standards**

- As certified professionals, we must adhere to the ICB Code of Ethics. This document is pretty clear cut, for example...

"2.01.01: ICB Credentialed Professionals shall not abuse alcohol or legal drugs"

"2.02.01: ICB Credentialed Professionals shall not misrepresent their professional qualifications"

15  **Know your Standards!**

- Counselors are responsible for knowing and understanding the code of conduct they must adhere to
- If a standard from any credentialing or regulatory body is unclear, the Counselor should contact that agency for clarification – they are glad to assist
- A credentialing body like the Joint Commission has an entire team of people who assist with standards interpretation
- When in doubt, clarify!

16  **Ethics**

- It's important to recognize that our individual ethics must also engage with the ethics of other people involved in the situation, e.g., our administrators, colleagues, clients, etc. The laws of the land, standards set by regulatory bodies, and policies set out by the organization one works for, philosophical schools of thought, moral foundations and many other such considerations govern ethics.

- Thus, doing 'the right thing' becomes a combination of personal, professional and societal ethics.

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17  **So what tools can we use to determine if something is ethically wrong?**

- ICB Code of Ethics,
- Agency Policies and Procedures
- HIPAA laws
- SUPR 2060
- Any regulatory standards
- Other Credentialing bodies that govern your practice
- Consult with Supervisor
- Seek legal advice

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18  **Legal Test**

If the answer is not there you can ask yourself some questions to help you decide..

- The Legal Test

Is there a law being broken? If yes, the issue is of disobedience with enforceable laws, as opposed to the principles of a moral code. If it is legal, there are three more tests to decide whether it is right or wrong.

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19  **Stench Test**

Does the course of action have the stench of corruption? This is a test of your instincts and determines the level of morality on a psychological level.

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20  **Front Page Test**

How would you feel if your action showed up on the front page of the newspaper the next day? Most people would never do certain things if there was a chance that other people would find out about it. This is a test of your social morals.

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21  **Peer/Supervisor Test**

This test involves asking oneself, 'What would my peers/supervisor think if they knew about this?' When you put yourself in the shoes of another person professional, you can get a better idea of what you're doing.

These are the basic tests to find out if what you're doing is right or wrong. However, you often face situations where you find yourself in a conflict between two *right* things.

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## 22 **Ethical Dilemmas**

•An ethical dilemma (ethical paradox or moral dilemma) is a problem in the decision-making process between two possible options, neither of which is absolutely acceptable from an ethical perspective.

•Although we face many ethical and moral problems in our lives, most of them come with relatively straightforward solutions.

## 23 **What causes ethical dilemmas?**

•Ethical dilemmas can arise when people feel pressured to do immoral things to please their bosses or when they feel that they can't point out their coworkers' or superiors' bad behaviors

•Some examples might be:

–Manager tells you to put a client with insurance on top of the waiting list ahead of a client without insurance but who has more need for treatment

–You witness a co-worker committing an unethical act but they are your friend and you do not want them to get in trouble

## 24 **What causes ethical dilemmas - continued**

•When faced with an ethical dilemma, we need to be clear about which values are at play.

•We need to also realize how easy it is to discard one of the values or to justify dishonesty because we want to avoid unpleasant confrontations.

•We do this by thinking things like 'Everybody does it' or 'I will do this one last time'.

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## 25 **Approaches to Ethical decision making**

•There can be different approaches to thinking about ethical decision making, although struggling with these dilemmas might give you a headache:

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Ends Based Approach

•The utilitarian approach or the ends-based approach says that the actions are ethically right or wrong depending on their effects. It argues that the most ethical choice is the one that does the greatest good for the greatest number.

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## 26 **Rules based approach**

•This approach rests on the belief that rules exist for a purpose and must therefore be followed.

• Basically, stick to the rules and principles and don't worry about the result!

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- 27  **Care based approach**
  - This approach puts care for others first. It is most associated with 'Do unto others as you would have them do unto you'.
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- 28  **How to resolve an Ethical Dilemma**
  - What do you do when you find yourself in an ethical dilemma? How do you figure out the best path to take?
  - Before thinking about which path is the most ethical one, be sure to spell out the problem and the feasible options at hand. Many times, our mind limits itself to two conflicting options and does not see the presence of a third, better option.
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- 29  **First – Analyze the consequences**
  - When you have two options, considering the positive and negative consequences connected with each of those options gives you a better outlook on which option is better
- 30  **Analyze the consequences - continued**
  - It is not enough to count the number of good and bad consequences an option has; it is also important to note the kind and amount of good it does. After all, certain 'good things' in life (e.g., health) are more significant than others (e.g., a new phone).
  - Similarly, a small quantity of high-quality good is better than a large quantity of a low-quality good and a small quantity of a high-quality harm (like betraying someone's trust) is worse than a large quantity of low-quality harm (like waiting a few more months before asking for a promotion).
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- 31  **Second – Analyze the actions**
  - Now, look at those options from an entirely different perspective. Some actions are inherently good (truth-telling, keeping promises), while others are bad (coercion, theft). No matter how much good comes from these bad actions, the action will never be right. How do your actions measure up against moral principles of honesty, fairness and respecting the rights and dignity of others? If there is a conflict between one or more of these principles, consider the possibility of one principle being more important than the others.
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- 32  **Third – Make a decision**
  - Each of the above approaches acts as a check on the limitations of the other and must therefore be analyzed in combination.
  - They provide the basic elements that we can use in determining the ethical character of the options at hand and make the process relatively easy.
  - When you find yourself in a fix, consider speaking to peers/supervisor about the

situation and getting the opinion of more knowledgeable people to find a possible solution.

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33  **Post-Decision Reflection**

- Once the decision is made, explain it to those who will be affected by your decision. Be aware and reactive to new developments in that situation that may require you to make changes in your course of action. It will also help to reflect on your past actions, and consider whether there is anything you can do to prevent the dilemma from happening again.

- Most importantly, stay ethical and stay proud!

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34  **Telehealth Ethics**

- With the COVID-19 Virus, many agencies are now using Telehealth services which pose some issues around ethics

- There are no specific standards out yet to guide us in appropriateness of telehealth services

- Issues are coming up

- Agencies need to develop policies and procedures around telehealth to ensure proper ethical use of this service

- Joint Commission is a good resource for assistance

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35  **A Suggested Framework for Ethical Decision Making #1**

- Get all the information you need so that you clearly understand the situation

- Determine if the situation is a violation of criminal or civil law, agency policy/procedure and/or Professional Ethics – Review the Code of Ethics and legal mandates

- In all situations where there is a potential for an ethical dilemma, consult ASAP with another professional/supervisor to determine appropriate action to take

36  **Framework for Ethical Decision Making #2**

- If the situation involves a violation of criminal or civil law, refer to mandated reporting procedures

- If there is no mandated reporting requirements for the violation, discuss with supervisor, ICB Executive Director, agency Director or other appropriate person, steps that should be taken to resolve the situation

- At all times, you must ensure that the client is safe from harm or potential harm

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37  **Framework for Ethical Decision Making #3**

- If the situation is a violation of the ICB Code of Ethics, you must report it to the ICB Executive Director ASAP



- If appropriate and safe to do so, attempt to resolve the situation directly with all parties involved ASAP – ask for other team member support if needed

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38  **Framework for Ethical Decision Making #4**

- At all times, treat all parties with respect and ensure that their rights are maintained
- Act professional at all times
- If the situation is not clear-cut, get support from other professionals and review all applicable standards to assist in taking the appropriate action

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39  **Framework for Ethical Decision Making #5**

- Do not over-react or make judgment of intent
- Have copies of the standards/policies available to give to the professional in question so that they can see what exactly was violated
- As appropriate, use your agency's Human Resource department for assistance
- Maintain confidence throughout the resolution, informing only those who need to be informed – do not gossip about the situation

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40  **Framework for Ethical Decision Making #6**

- If the situation involves a person higher up in your agency, go to someone who oversees that person – agency's are required to have non-retaliation standards in place
- Know your profession's Code of Ethics and agency's Policies and Procedures and maintain them at all times!

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41  **Framework for Ethical Decision Making #7**

- Learn to recognize possible ethical dilemmas before they occur and take action to prevent them from occurring
- If accused of violating any standards, cooperate with proper authorities, but know your rights as well
- Avoid situations where you might be falsely accused of a violation

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42  **Framework for Ethical Decision Making #8**

- Keep your supervisor in the communication loop regarding any situation where it could be conceived that you acted inappropriately
- Be careful regarding behaviors that could be borderline, such as joking, comments, suggestions, etc, that could be misinterpreted easily
- Most importantly, remember at all times, that you are a professional and act accordingly!

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43  **In Conclusion**

- Know what is appropriate behavior for our profession
- Be respectful and professional at all times
- Be watchful for potential conflicts
- Inform your supervisor of the techniques and procedures you use with clients, especially that may be controversial
- Protect our profession by adhering to all Standards
- Don't be afraid to be a "whistle-blower" if necessary
- Always consult when unsure or just to be safe
- Self care will aid us in be the best we can be!
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44  **Scenarios for discussion**

- Let's put this altogether by looking at some scenarios that have no easy answers
- Keeping in mind the framework for decisions making presented and what you learned through this presentation, determine the following:
  - What might you do to determine the right course of action in each scenario?
  - What action would you take and why?

45  **Scenario #1**

- You are in recovery for substance use disorder and attend AA meetings for support. You go to your regular home group meeting on Tuesday evening and a client of yours walks in the meeting.
- What do you need to consider in this situation in order to determine what to do?
- What action might you take and why?

46  **Scenario #2**

- A client in residential treatment insurance is running out. His withdrawal is over and he is been stabilized. However, he complains of depression which tends to be typical at this stage. He reports no thoughts of suicide. Your supervisor tells you to change his diagnosis to clinical depression so his insurance will cover continued stay in residential treatment.
- What do you need to consider in this situation in order to determine what to do?
- What action might you take and why?

47  **Scenario #3**

- You walk into Starbucks for your usual after work coffee. You notice in the back of the store a peer counselor with one of her clients sitting together in what appears to eb a social relationship. They do not notice you.
- What do you need to consider in this situation in order to determine what to do?
- What action might you take and why?
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48  **Scenario #4**

- You are at a new job and being oriented to the agency. You are sitting in one of the groups to see how they do things there and the facilitator gets angry at one of the clients for challenging him and they begin to argue. The counselor swears at the client and threatens him physically should he ever act that way again.
- What do you need to consider in this situation in order to determine what to do?
- What action might you take and why?
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49  **Scenario #5**

- You are in an individual session with a client who you have been seeing for several sessions now and the client has learned to trust you. The client states that she has sexual feelings for you and that she thinks about you often. She states she would be able to be more stable with her recovery if she had someone like you in her life.
- What do you need to consider in this situation in order to determine what to do?
- What action might you take and why?

50  **Resources**

- Division of Substance Use and Recovery (SUPR) – Rule 2060  
<https://www.dhs.state.il.us/page.aspx?item=29747>
- Illinois Certification Board (ICB) – Code of Ethics  
<http://www.iaodapca.org/>
- HIPAA for Professionals – HIPAA Standards  
<https://www.hhs.gov/hipaa/for-professionals/index.html>
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51  **Book Resource**

- Ethics for Addiction Professionals
- Jennifer D. Berton
- Dec 2013
- Sold by John Wiley & Sons
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52  **Questions???**

*Questions or  
Comments?*

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I hope this presentation was beneficial to you and helps you to make great decisions in

all your work as a counselor!

Thank you for all you do to serve clients with substance abuse disorders and for treating them with the dignity and respect they deserve!

Please also make sure you take good care of yourselves!