A PRIMER ON ETHICAL-DECISION MAKING FOR MENTAL HEALTH PROFESSIONALS

Elsa C. Arroyos, PhD, NCSP
Session Description & Learning Objectives

- This session will provide a primer on ethical-decision making for mental health professionals.
- As practitioners we often encounter ethical dilemmas that challenge us.
- The purpose of this presentation is to provide a refresher for participants related to relevant ethical and legal practices surrounding services to children and families in the schools.
- Focus on ethical decision-making
- Understand the ethical and legal considerations related to the provision of mental health services in school settings.
- Identify, describe, and apply legal and ethical issues relevant to practice in the area of service provision to children and adolescents in schools.
- Understand and apply an ethical-decision making model while considering developmental, cultural, and social justice issues.
QUESTIONS TO PONDER

☐ Answer the poll questions honestly (it’s anonymous)

☐ Copy the URL or Scan the QR code and wait for poll to start

http://etc.ch/UQem

https://directpoll.com/r?XDbzPBd3ixYqg8RqCSmKJHahU3jOu5d9wO2FeKeL
Poll Results

Did the responses surprise you?
76% of practicing school psychologists had witnessed a colleague acquiesce to administrative demands to act unethically

17% of school psychologists indicated that they personally had been instructed to make decisions that were unethical

14% reported being pressured to take actions that were in violation of federal or state law

Source: Dailor and Jacob (2011)
School Psychologists & Ethical Dilemmas:

What are the most experienced dilemmas?

- concerned whether to contact child protective services
- whether to disclose a student’s risky behavior to his or her parents
- how to address unethical conduct by a colleague
- how to balance a parent’s request to view test protocols with the ethical obligation to maintain test security

Source: Dailor and Jacob (2011)
Why Ethics Training is Needed?

- School psychologists’ and Diagnosticians’ work with children in schools may often present ethical dilemmas because:
  - …serve several populations whose interests may differ from one another (i.e., need for services vs. ability to provide them; parent’s right to know vs. adoI. privacy)
  - …schools are government agencies subject to regulation which may not always serve children’s best interests
  - …of emphasis on academics (e.g., high stakes testing and accountability) — what about mental health?

Source: McNamara & Jacob (2008)
Selected Goals for Ethics Training

- Increasing sensitivity to ethical issues, consequences, and codes/guidelines (awareness is prevention)
- Ability to analyze the ethical aspects of a situation and use problem solving model.
- Increasing sensitivity to diverse cultural views and values; awareness of own feelings and values.
- Understanding complexity of ethical dilemmas while accepting ambiguity and uncertainty.
- Increasing your strength to make decisions and accept responsibility for them.
What Makes a Situation Ethically Challenging?

- Relevant ethical guidelines are ambiguous
  - children & other clients…primary responsibility…acting as advocates for their rights and welfare (NASP-PPE)

- Competing ethical principles
  - child’s autonomy vs. parents’ wishes

- Conflicts between ethical principles and law

- Conflicting interests of multiple parties (e.g., student, parents, peers, administrators)

- Dilemmas inherent in the dual roles of employee and student advocate

- Whether and how to confront unethical conduct of colleagues

- System failures: Unsound educational practices resulting in potential harm to students

Sources: McNamara & Jacob (2008); Jacob et al (2016)
“When feasible, school psychologists are well advised to negotiate a job description that encompasses the freedom to adhere to the NASP code of ethics”
(Jacob, 2014, p. 445)

In light of what we have discussed thus far, why is this statement relevant?
Use of a Systematic Decision-Making Model

- A decision making model assists practitioners in making choices that are *principled, reasoned, and universal* (Haas & Malouf, 2005; as cited in Jacobs et al).

- Can help anticipate and prevent problems from arising....taking on a proactive approach.

- Can describe how a decision was made. Important when actions come under the scrutiny of others.
About the Codes of Ethics

- Every organization has one (APA, 2010/2016; NASP, 2010; ACA, 2014, NASW, 2017)
- They provide a basis and reference point for decision making (i.e., guidelines).
- Are not legally binding, although their foci may overlap with some statutes (e.g., privacy).
- A violation of an ethical principle can result in censure, probation, or expulsion by the respective professional organization.
Professionalism and Ethics

- What is the purpose of Ethics Codes?
  - Protect the public and maintain public trust
  - Show profession’s commitment of self-regulation
  - Enhance prestige of profession
  - Educate professionals and assist professionals in monitoring their own behavior
  - Guidelines for adjudicating complaints
Why not?

Ethical codes and standards ≠ Ethical conduct
Because….

- Broad and abstract principles
- Competing ethical principles
- Reactive rather than proactive
- Ethical conducts require ethical principles and codes, reasoning, and personal values
Ethical Decision-Making Model

1. Describe the parameters of the situation
2. Define the potential ethical-legal issues involved
3. Consult guidelines, policies, codes, and law
4. Evaluate the rights, responsibilities, and welfare of all affected parties
5. Generate a list of alternative decisions possible for each issue
6. Enumerate the consequences of making each decision & that they will likely occur
7. Make decision, accept responsibility and monitor consequences

Context:
- Cultural, linguistic, developmental and political perspective of all relevant parties
- Circumstances that complicate simple use of code

(adapted from Koocher & Keith-Speigel, 2008, as cited in Jacob et al.; Klose & Lasser, 2014; p. 453)
Dailor (2007) found... 66% of School Psychologists seek consultation while only 16% use a systematic model.
Best Practices in Applying Ethics: Problem Solving Model

- **STEP 1:**
  - Describe the parameters of the situation
  - Consider all available information to objectively state the current issue
  - State clearly (behavioral terms)

- **STEP 2:**
  - Define the potential ethical-legal issues involved
  - Clearly and accurately detail the issue(s) involved
Problem Solving Model

□ STEP 3:
□ Consult available ethical-legal guidelines and district policies; consider broad ethical principles as well as specific mandates
  □ Not limited to standards/codes
  □ Refer to laws, policies, resources, guidelines, etc.

□ STEP 4:
□ Evaluate the rights, responsibilities, and welfare of all affected parties
  □ Consider the “big picture”

Note: could consult a colleague
Consulting Others

- There might be some consequences you did not consider. Consider the possibility of the level of trust of this colleague.

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<tr>
<th>Benefits</th>
<th>Consequences</th>
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<td>1.) A credible second opinion is always helpful.</td>
<td>1.) More people involved increases the chance for gossip.</td>
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<td>2.) A second set of eyes in the log records might indicate additional insight.</td>
<td>2.) Adding more people to the problem will result in more time involved for finding a solution.</td>
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<td>3.) More people involved increases the chance that confidentiality will be compromised.</td>
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Problem Solving Model

- **STEP 5:**
  - Generate a list of alternative decisions possible for each issue
    - Remember to include how each decision impacts all parties involved
      - who?
      - how affected?

- **STEP 6:**
  - Enumerate the consequences of making each decision
    - short-term, on-going, and long-term; consider possible psychological, social and economic costs
    - Positive and negative outcomes
Problem Solving Model

- **STEP 7:**
  - Present any evidence that the various consequences or benefits resulting from each decision will actually occur
    - risk-benefit analysis
    - Consider what will likely happen with each potential decision

- **STEP 8:**
  - Make the decision – accept responsibility and monitor consequences
    - Consistent with ethical-legal guidelines
    - Confident in your “best” choice
    - Follow through with the decision - ACT
Our director of special education wants to streamline the procedures regarding children referred for suspected disabilities. She does not think quite so many people should be involved in the discussion and actual decision-making process. Accordingly, she wants the school psychologists and/or diagnostician to carry out evaluations in their entirety and recommend placements to her. We want to clarify our competencies, roles, and potential services to other professionals in our district and appropriately involve and work with them on multidisciplinary teams. Our director doesn’t want to involve others or talk with them about the matter because that would just “stir things up.”

What do you do?
Questions, Comments or Need for Clarification

Elsa C. Arroyos, PhD, NCSP
earroyos@nmsu.edu


New Mexico Administrative Code: Code of Ethics New Mexico Administrative Code: http://164.64.110.239/nmac(parts/title16/16.027.0018.htm