



# Maintaining Appropriate Professional Boundaries: Exploring Ethical Obligations of Mental Health Professionals

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# Learning Objectives

- Describe the ethical and legal responsibility of mental health professionals to maintain appropriate professional boundaries with their clients.
- Define dual relationships.
- Apply a framework to avoid dual relationships whenever possible.
- Apply a framework to minimize potential harm to clients and the professional whenever dual relationships are not avoidable.
- Describe how to demonstrate that a client has not been exploited or coerced, intentionally or unintentionally.



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## CE Ethics Rules

DESIGNED  
TO MEET 2023 NYS REQUIREMENT  
FOR ETHICS TRAINING ON  
“Maintaining Appropriate Professional Boundaries”

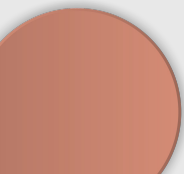
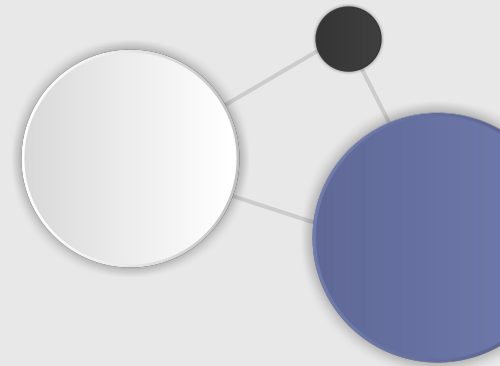
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**NOT NYS SPECIFIC**

Can count towards ethics & general CE credits in other states

# Outline

- Introductions
- Revisiting Ethics in Professional Practice
- Understanding Professional Boundaries
- Protecting Yourself from Ethical & Legal Liability
- Drawing the Lines
- Conclusions/Questions



# Introductions

Kathryn S. Krase, PhD, JD, MSW

- Principal Consultant with [Krase Consulting](#)
- Expert on professional ethics.
- Substantial experience consulting with government and community based organizations to develop policy & practice standards.
- *Indebted to work of Frederic Reamer*
- Disclaimer: Limits of my reach today

## Who are YOU?

# Revisiting Ethics in Professional Practice

What do you think about when you hear “Ethics”?

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Where did you first hear about “Ethics”?

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What professions have “ethics”?

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Are “ethics” and “the law” the same thing?

# Ethical Principles Common Across Professions

BENEFICENCE

*Doing Good*

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NON-MALEFICENCE

*Avoiding Harm*

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AUTONOMY

*Right to Make Decisions for Yourself*

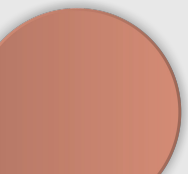
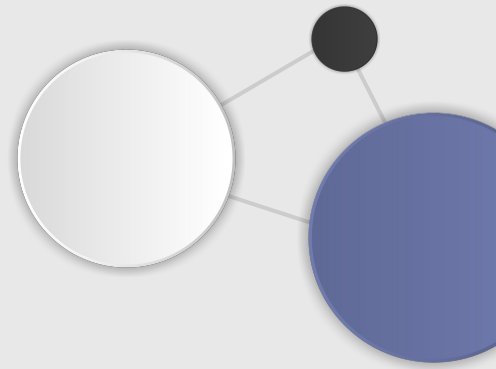
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JUSTICE

*Fairness/Equity*

# Clusters of Ethical Responsibility

- To Clients
- To Colleagues
- To Organizations
- As Professionals
- To your Profession
- To the Broader Society...





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# Where are the Ethical Responsibilities of Professionals Defined?

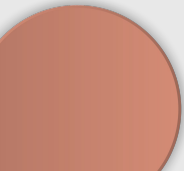
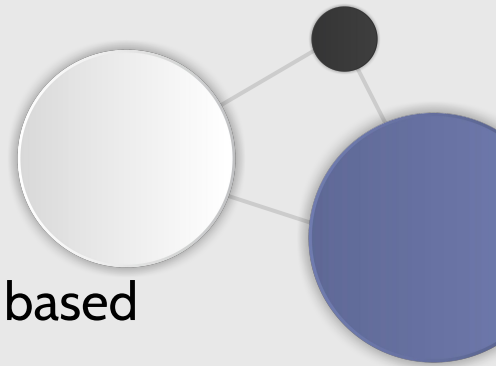
*Ethical Codes  
& the Law*

# Purposes of Professional Code of Ethics

- Identify core values on which profession's mission is based
- Socialize new practitioners
- Summarize broad principles reflecting core values
- Establish standards to guide professional practice
- Help identify considerations when conflict or ethical uncertainties arise
- Provide standards to which the professional itself, as well as the general public, can hold the profession/professional accountable

DO NOT PROVIDE GUIDANCE FOR ALL SITUATIONS/  
ALLOWS FOR VARIANCE

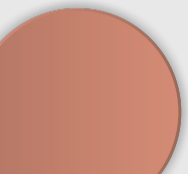
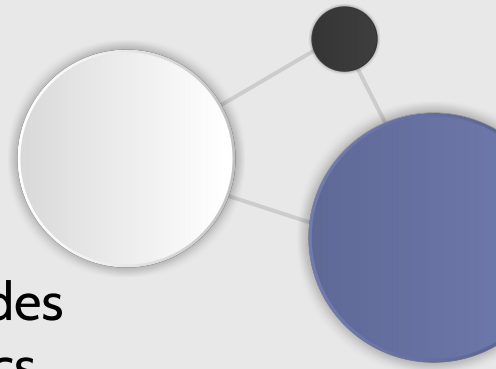
(Use of language: “may”, “should”, “must”)



# Ethics & the Law

- Making law is more involved than making ethical codes
- The law (largely) defers to professional codes of ethics

DO NOT PROVIDE GUIDANCE FOR ALL SITUATIONS/  
ALLOWS FOR VARIANCE  
(Use of language: “may”, “should”, “must”)



# What Happens When You Don't Follow the Rules...

## Failure to Follow the Law?

*Statutory & Regulatory actions*

*Civil/ criminal liability*

*Losing License*

*VERY RARE*

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## Failure to Follow the Code?

*Professional Code is ACCEPTED professional standard*

*Failure to follow the Code as evidence in lawsuit*

*License is NOT automatically pulled*

A decorative graphic featuring several colored circles (black, orange, white, yellow, blue) connected by thin grey lines, creating a network-like structure around the text.

**Most Common Violation that Leads to  
Legal/Professional Action?**

**BOUNDARY VIOLATION**

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# Understanding Professional Boundaries

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Exploring Ethical Codes  
& Applying Ethical Principles

# Ethical Codes & Boundaries

## NASW Code of Ethics

*1.06 Conflicts of Interest*

*Be alert to avoid conflicts*

*Do not take unfair advantage of clients*

*Avoid dual relationships*

*Avoid personal communication*

*1.09 Sexual Relationships*

*1.10 Physical Contact*

## AAMFT Code

*1.3 Multiple Relationships*

*1.4 & 1.5 Sexual Intimacy*

*1.7 Abuse of Power*

*1.8 Client Autonomy*

*1.9 Benefit to Client*

## APA Principles

*Section 3: Human Relations*

*3.04 Avoiding Harm*

*3.05 Multiple Relationships*

*3.06 Conflict of Interests*

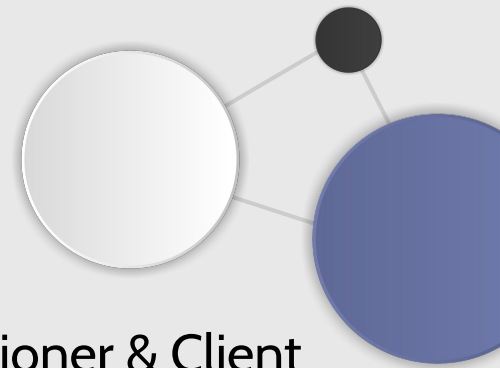
*3.08 Exploitative Relationships*

# The Law on Boundaries

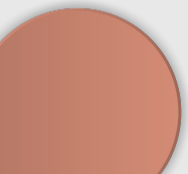
- The law doesn't outline every scenario
  - Some states criminal sexual relationships with clients/former clients
- All states defer to professional ethics codes



# Why are Professions/Law Concerned about Boundaries?

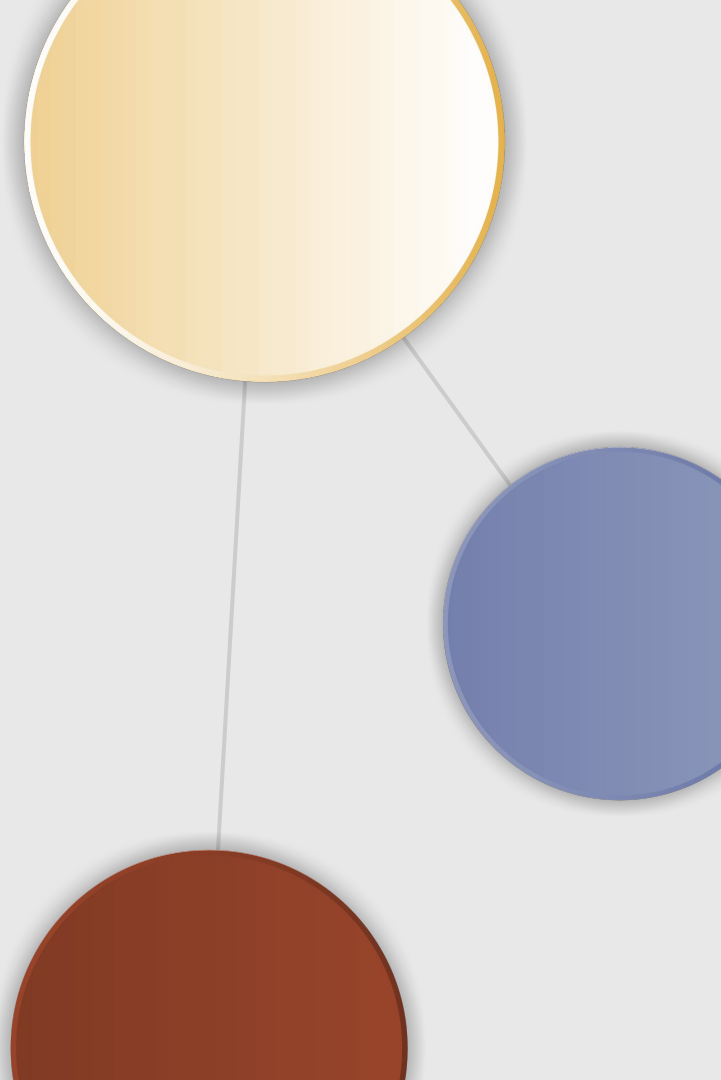


- Imbalance of Power in Relationship between Practitioner & Client
  - Professionals and clients are NOT EQUALS
- Conflict of Interest
  - Concerns of prof/client might be incompatible
  - Prof's personal interests might influence judgement
- Potential for HARM, as a result
  - To client/other person: Emotional
  - To professional: Emotional, Professional, Monetary



# Physical Contact

- Physical contact should be avoided
  - WHY?
- Not all physical contact is problematic
  - But... there is always risk...
- Set expectations
- Follow client lead



# Dual Relationships

- Practitioner/Client is one relationship... but another exists
  - E.g. Friendships, relatives, service exchange,
- Why are dual relationships a problem?
  - Sometimes dual relationships might be necessary...

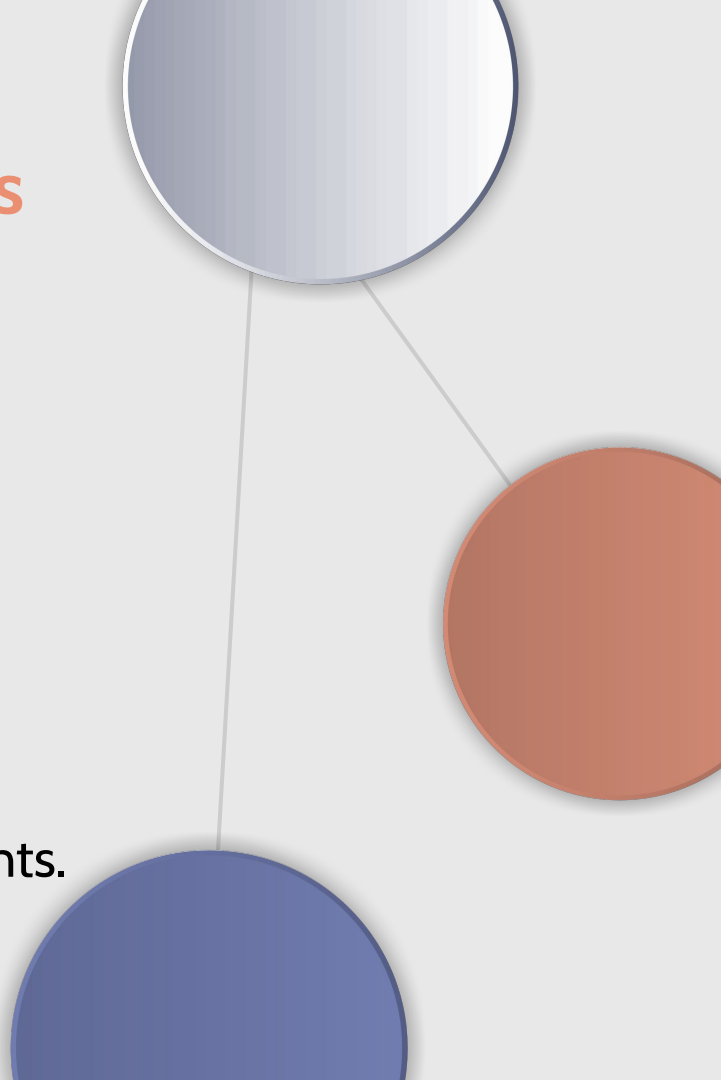
What about dual professional relationships?

Therapist for individual AND for couple or family?

# Dual Relationships:

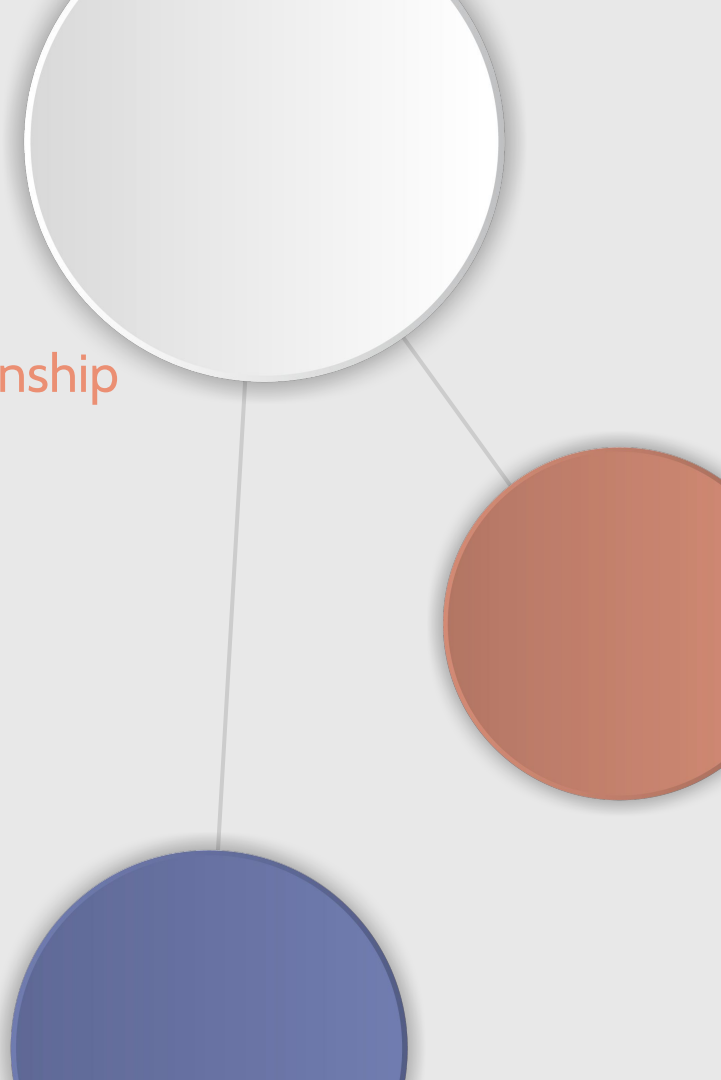
## Romantic & Sexual Relationships

- With current clients; “consensual” or not
  - NEVER OKAY
  - Legality differs by state
- With former clients
  - NOT OKAY
  - Burden of proof on Professional
- With former sexual partner
  - NOT OKAY
  - Burden of proof on Professional
- With family/friends of current/former clients.
  - NOT OKAY
  - Burden of proof on Professional
  - CLIENT has the choice



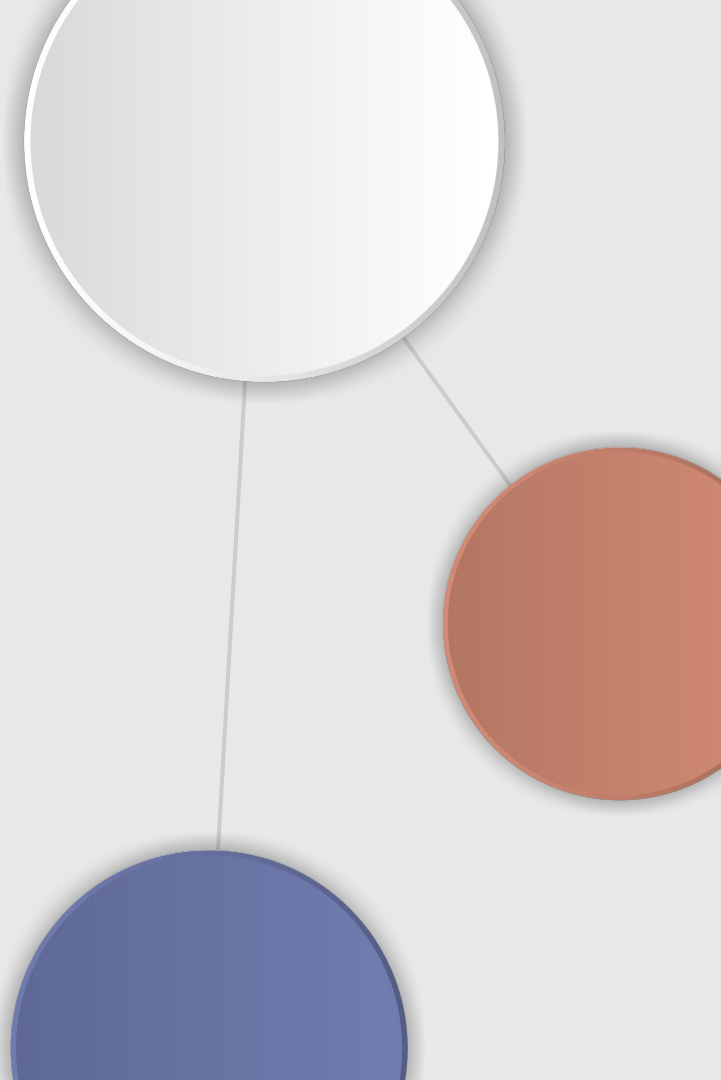
# Personal Benefit

- Monetary Gain
  - Practitioner benefits from dual relationship
  - Website reviews
- Goods and services
  - Bartering
  - Discounts
- Useful information
  - Client with unique skills/knowledge



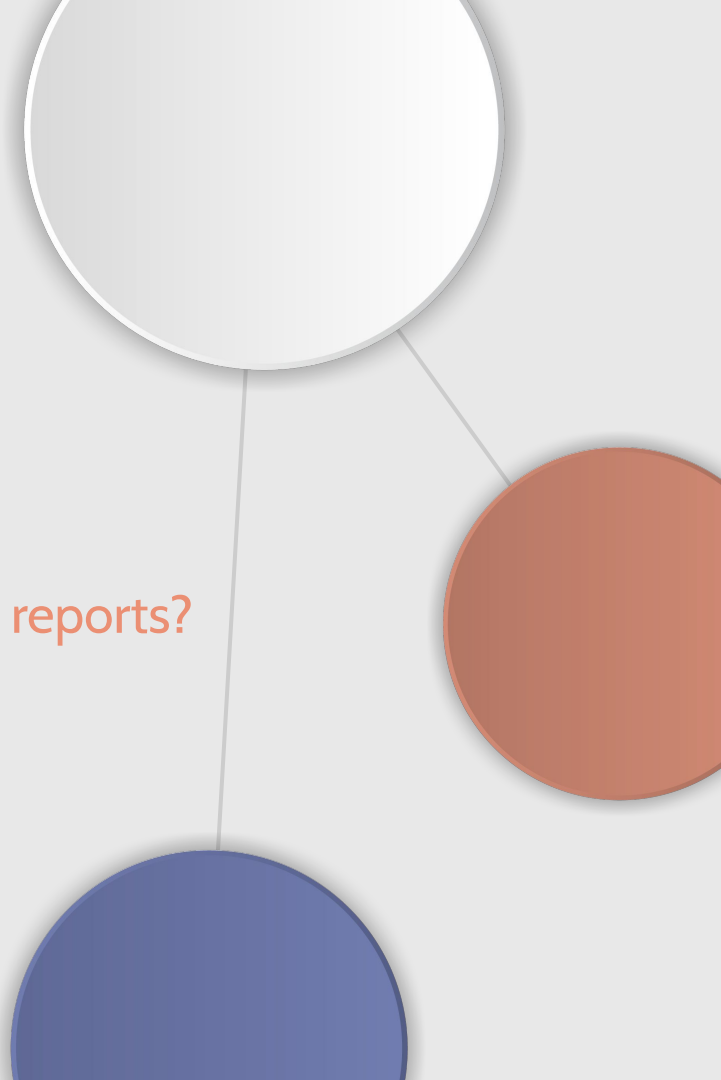
# Intimate Gestures & Friendships

- Gift giving
  - Agency policies
- Expressions of friendship
  - Socializing
  - Personal Communications
- What about former clients?



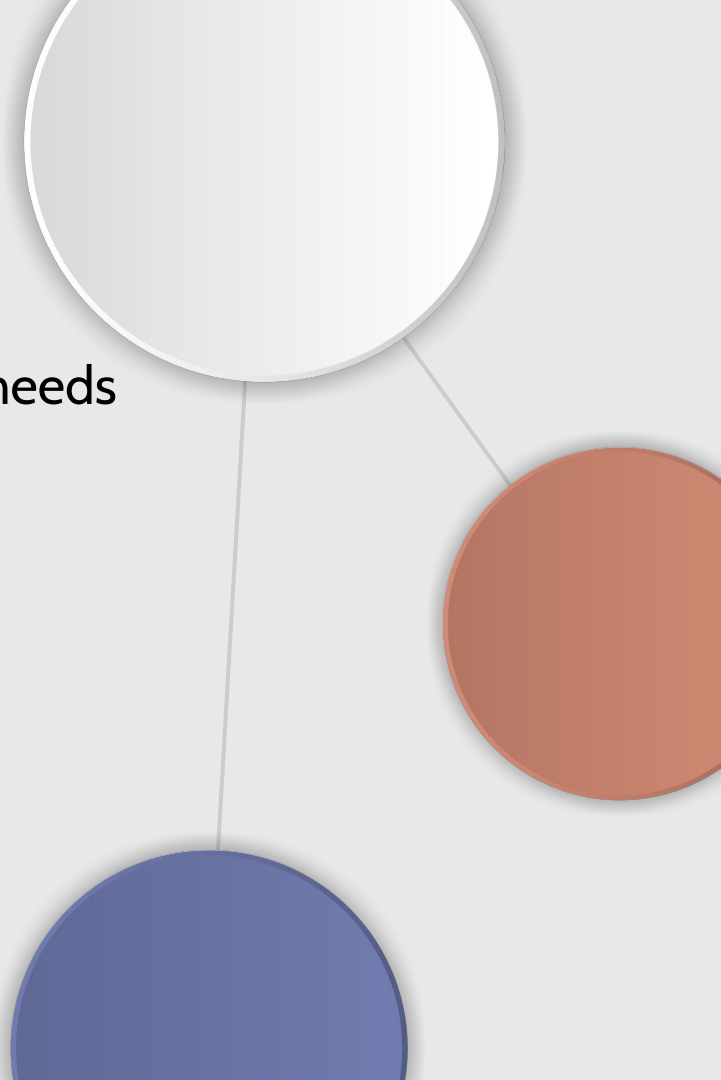
# Altruistic Gestures

- Benevolently motivated
  - Want to be helpful
    - Lending/giving money
    - Providing transportation
    - Giving items
  - How about discounting rates? Writing reports?
    - How are these different?
    - Appropriate to professional role



# Emotional & Dependency Needs

- When the dual relationship meets PROFESSIONALS emotional/dependency needs





# Unavoidable & Unanticipated Circumstances

- Sometimes you can't prepare or anticipate
- In those moments, CLIENT'S NEEDS COME FIRST

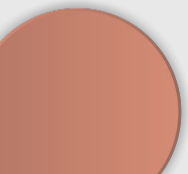
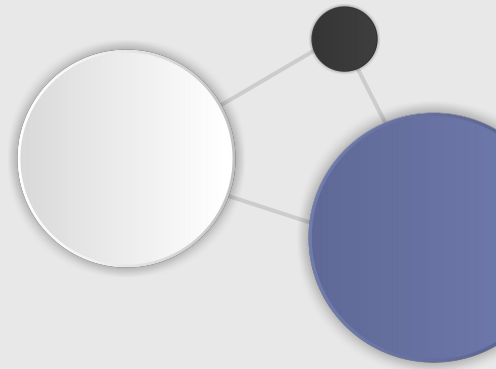


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# Protecting Yourself From Ethical & Legal Liability

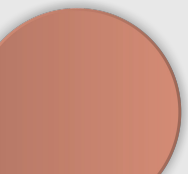
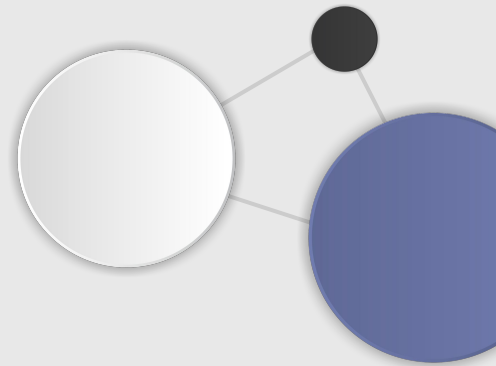
# Preparation is KEY to Protection

- Do not get caught unaware
- Do not assume everything will be fine
- Have malpractice insurance



# Determining Liability

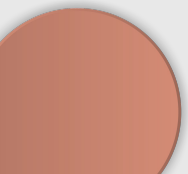
- Legal definition of “malpractice”
  - Relates to negligence
    - Duty
    - Breach (Standard of Care)
    - Harm
- Professional holds the responsibility
  - Burden to show client made informed decision (AUTONOMY)



# Setting Boundaries

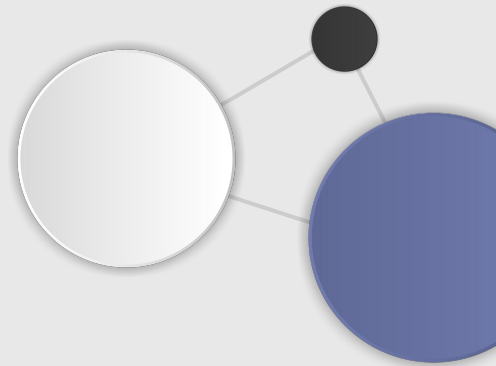


- Have policies & procedures that are uniform and written
- Make professional relationship CLEAR
  - Goals of relationship
  - Nature of relationship/expectations
- Early and often in relationship
  - Verbal & Written (where appropriate)



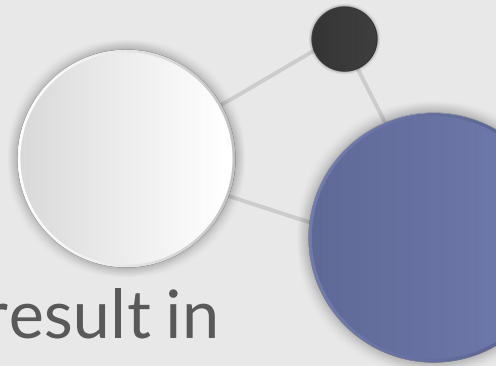
# Keep on the Lookout

- Anticipate potential conflicts
  - Boundary Crossings v. Boundary Violations
  - Exploitation & Coercion
- Consider the obvious, and the not so obvious

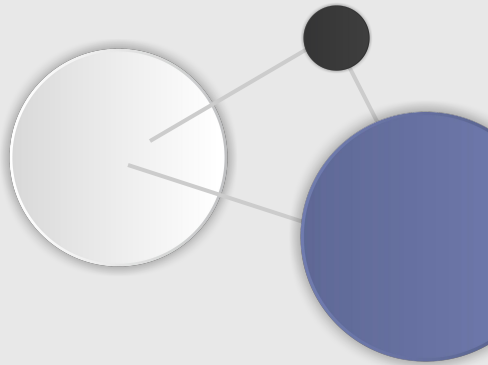


## Acknowledge Early

- In most cases, boundary crossings do not result in problems... BUT... DO NOT AVOID DISCUSSING THEM
- Not sure if it's a problem?
  - Consult with colleagues & supervisors

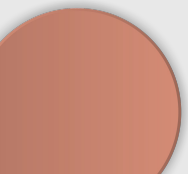


# Address Boundary Concerns Immediately



- Tell the client about the issue
- Provide them information to help inform THEIR decision
- Respect their decision

**DOCUMENT! DOCUMENT! DOCUMENT!**





# Framework to Protect All Involved

Identify  
Issue

Who is  
Impacted?

Outline  
Options

Pros/Cons

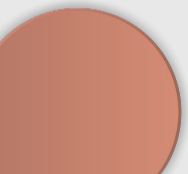
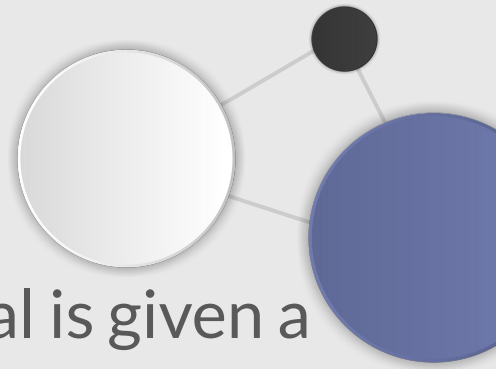
Consult  
Colleagues

Make  
Decision  
& Document

*Steps  
Adapted from  
Reamer*

## In the Worst Case Scenario

- Know that in most (first) cases professional is given a second chance
- Get legal advice
- Learn from your mistakes





# Drawing the Lines

Exploring Complications



# Tele/Video Services

Unique window into each other's personal space

- Professionals standards based on in person contact
- Technology changes EVERYTHING
- Boundary challenges from tele/video services

Beneficence, Non-Maleficence, Autonomy, Justice

# Extra-office communication

We don't just work in our offices...  
We work “everywhere”

- What about texting?
- What about email?

Beneficence, Non-Maleficence, Autonomy, Justice

# Social Media & Internet Accessibility

We can “know” clients in ways not considered before

- FaceBook
- Twitter
- Instagram
- LinkedIn
- Internet Searches...

Beneficence, Non-Maleficence, Autonomy, Justice

# Social Media & Internet Accessibility

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Your clients have access to “know” YOU, too!

Who are you online?

What about your family, friends, etc.?

Beneficence, Non-Maleficence, Autonomy, Justice

# Social Media: What's Ok?

Should you connect with clients on social media?

- FaceBook
- Twitter
- Instagram
- LinkedIn

Beneficence, Non-Maleficence, Autonomy, Justice



# Conclusions/ Questions

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