



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

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**CE
Ethics
Rules**

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

NOT NYS SPECIFIC

Can count towards ethics & general CE credits in other states

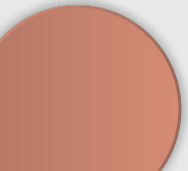
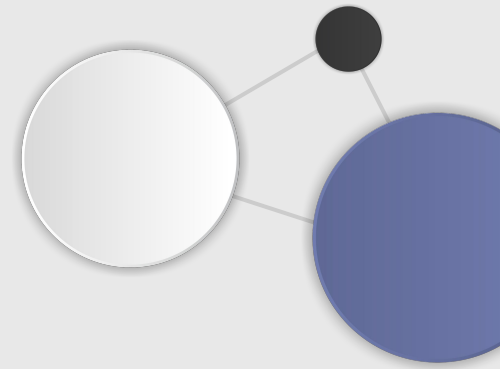
Learning Objectives

- Describe the ethical and legal responsibility of mental health professionals to maintain appropriate professional boundaries with their clients.
- Define dual/multiple 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.



Outline

- Introductions
- Revisiting Ethics in Professional Practice
- Understanding Professional Boundaries
- Drawing the Lines
- Protecting Yourself from Ethical & Legal Liability
- 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”?

Where did you first learn about “Ethics”?

Why do all professions have “ethics”?

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

Ethical Principles Common Across Professions

BENEFICENCE

Doing Good

NON-MALEFICENCE

Avoiding Harm

AUTONOMY

Right to Make Decisions for Yourself

JUSTICE

Fairness/Equity

The background features a light gray gradient with several decorative elements: a large black circle in the top-left, a medium brown circle in the top-center, a large white circle in the top-right, a large white circle in the bottom-left, a large gold circle in the bottom-right, and a small blue circle in the bottom-right. Thin gray lines connect some of these circles, creating a network-like structure.

Where are the Ethical Responsibilities of Professionals Defined?

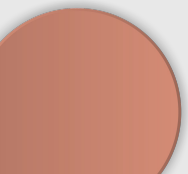
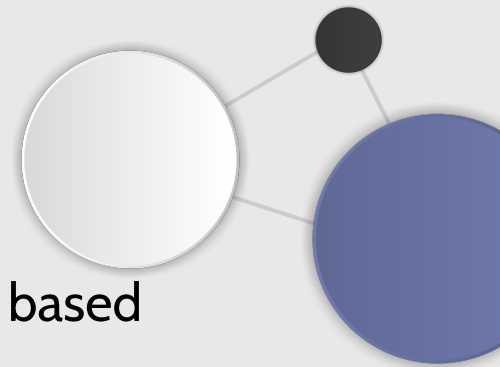
*Ethical Codes
& the Law*

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

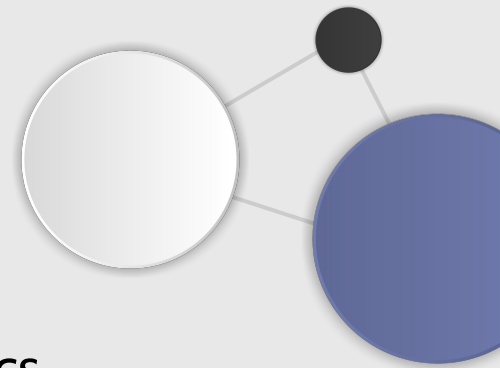
(Use of language: “may”, “should”, “must”)



Professional Ethics in the Law

- Making law is more complicated... and political
- 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”)



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

BOUNDARY VIOLATION



Understanding Professional Boundaries

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

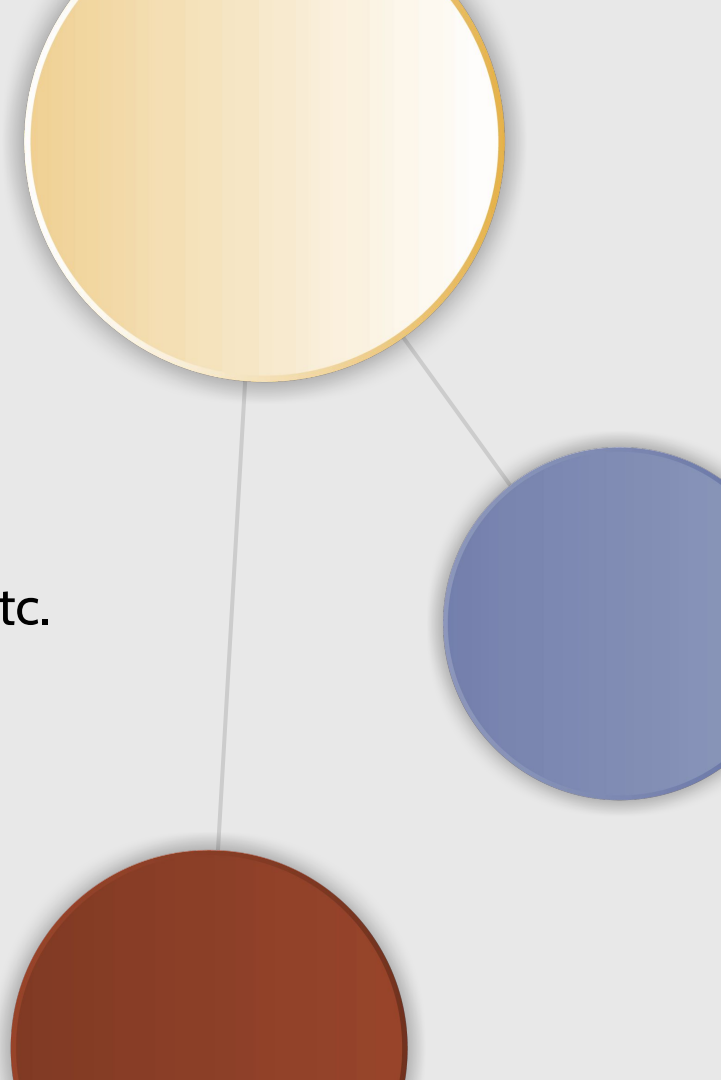
3.08 Exploitative Relationships

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

Physical Contact

- Physical contact should be avoided
 - WHY?
- Not all physical contact is problematic
 - But... there is always risk...
 - Handshakes/High-fives/Fist Bumps, etc.
 - Hugs, and the like
 - Other contact
- Set expectations
- Follow client lead



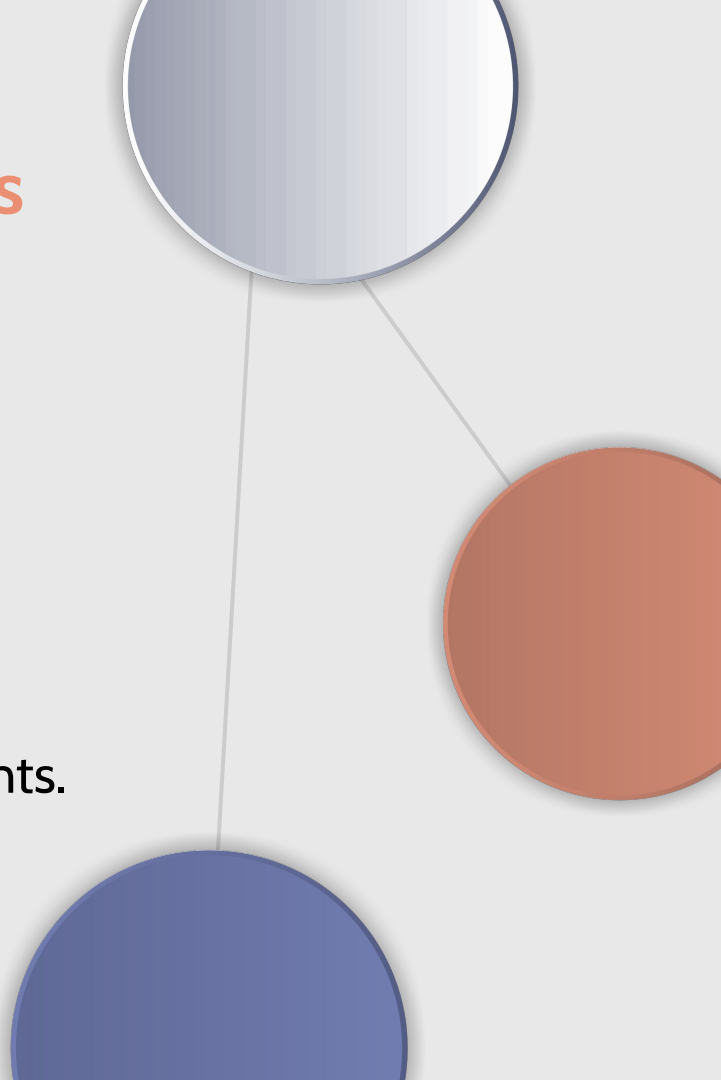
Dual/Multiple Relationships

- Practitioner-Client is one relationship... but another exists
 - Personal: Friendships, relatives, etc.
 - Professional: Multiple related individuals, Service exchange, etc.
- They should be avoided.
- Why are dual relationships a problem?
 - Conflict of Interest
- Are dual relationships ALWAYS a problem?
 - Sometimes dual relationships might be necessary...

Dual Relationships:

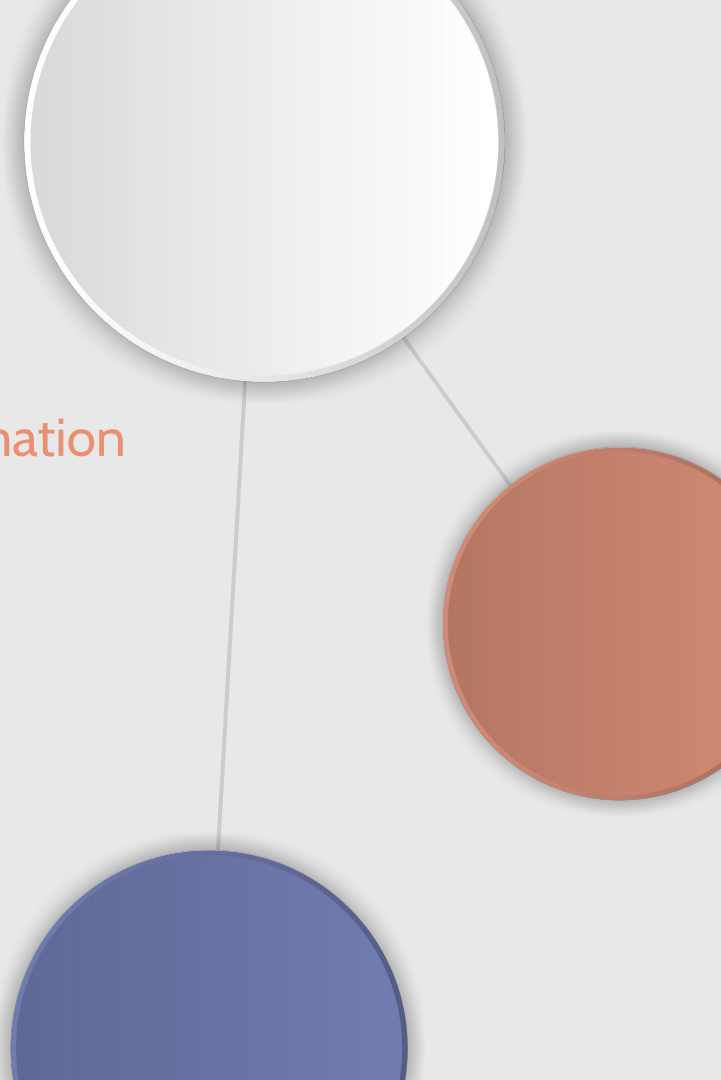
Romantic & Sexual Relationships

- 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
 - Centering client



Intimate Gestures & Friendships

- Expressions of friendship
 - Socializing
 - Sharing professional's personal information
 - Connecting on Social Media
- Gift giving & receiving
 - Agency policies
- What about with former clients?



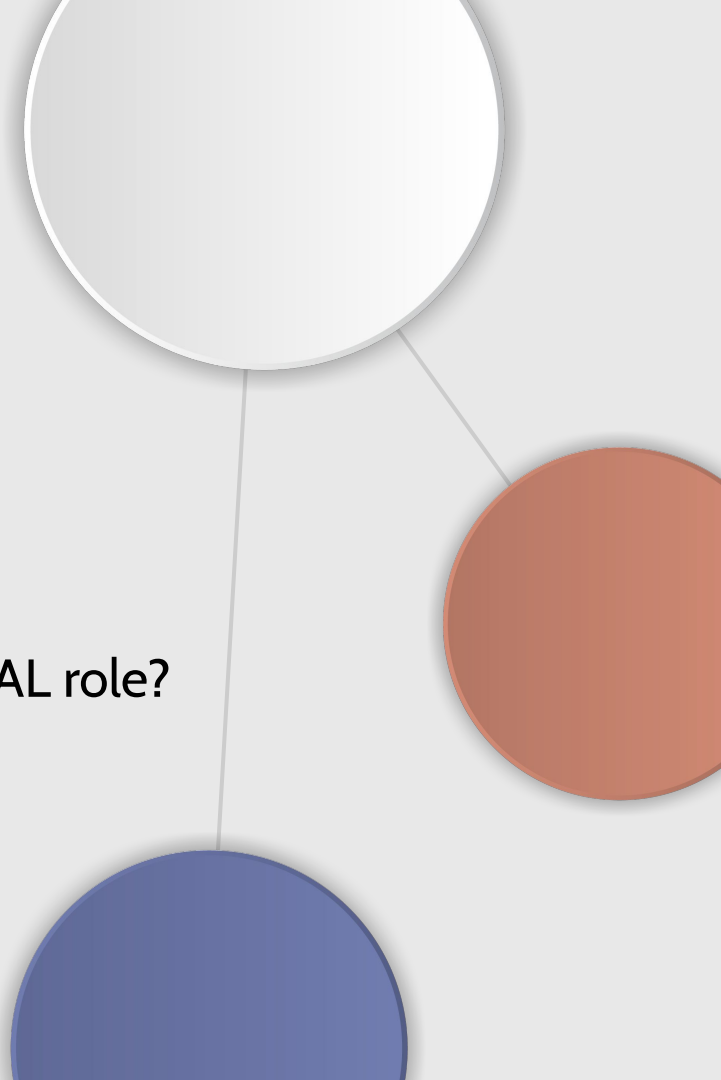
Personal Benefit to Professional



- Monetary Gain
 - Referral incentives
 - Website reviews
- Goods and services
 - Bartering
 - Discounts (vs. Sliding Scales)
- Useful information
 - Client with unique skills/knowledge

Altruistic Gestures

- Benevolently motivated
 - Want to be helpful
 - Lending/giving money
 - Providing transportation
 - Giving items
- Is offer appropriate to your PROFESSIONAL role?



Emotional & Dependency Needs

- Our clients should not meet OUR emotional need.



Unavoidable & Unanticipated Circumstances

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





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

Extra-office communication

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

- Boundaries & Communication
 - Calling
 - Texting
 - Emailing

Social Media & Internet Accessibility

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We can “know” clients in ways not considered before

- Restrictions on searching for clients

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

- Who are you online?
- What about your family, friends, etc.?

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Protecting Yourself From Ethical & Legal Liability

Framework to Protect All Involved

Identify
Issue

Who is
Impacted?

Outline
Options

Pros/Cons

Consult
Colleagues

Make
Decision
& Document

*Steps
Adapted from
Reamer*

Setting Boundaries

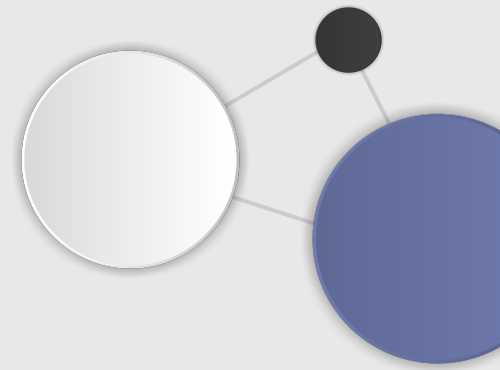


- Have policies & procedures that are uniform (& written)
 - Example 1, 2, 3
- Make professional relationship CLEAR
 - Goals of relationship
 - Nature of relationship/expectations
- Early and often in relationship
 - Verbal & Written (where appropriate)

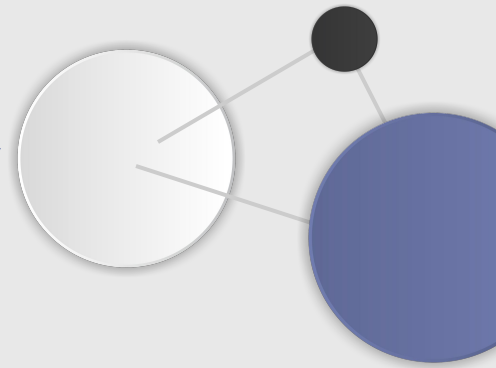


Keep on the Lookout

- Anticipate potential conflicts
 - Exploitation & Coercion
- Consider the obvious, and the not so obvious
- DO NOT AVOID DISCUSSING CONCERNS
- Not sure if it's a problem?
 - Consult with colleagues & supervisors

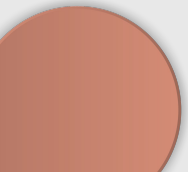


Address Boundary Concerns Immediately



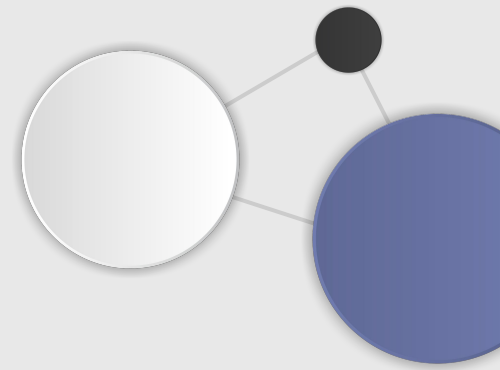
- Tell the client about the issue
- Provide them information to help inform THEIR decision
- Respect their decision

DOCUMENT! DOCUMENT! DOCUMENT!



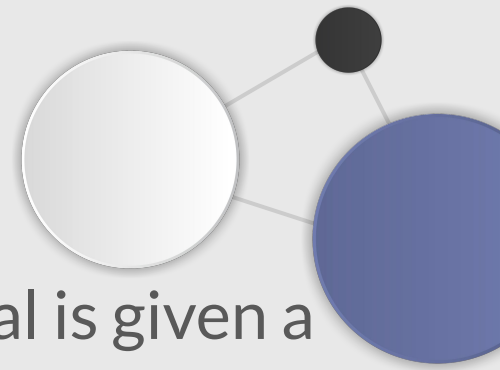
Determining Liability

- 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)



In the Worst Case Scenario

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



The background features several large, semi-transparent colored circles in shades of black, orange, white, blue, and gold, connected by thin grey lines. The main title 'CASE EXAMPLE' is centered in a large, bold, orange font.

CASE EXAMPLE

Client inherits antique jewelry. In a therapy session, explains their plan to sell the jewelry, and asks the therapist if they know anyone who might be interested. The therapist declares their interest, and eventually purchases a few pieces.

THOUGHTS?

Continued...

A year later, the client realizes that they vastly undersold the items, and asks the therapist to pay more money...

CASE EXAMPLE

You have been seeing a client for over a year through videotherapy technology. They often text to change or cancel appointments, sometimes last minute. Sometimes they are in their car during sessions, though they are not moving. Their life is very busy, causing them anxiety.

THOUGHTS?

Continued...

They recently texted you with information about their stressful day, and a difficult choice they need to make. They then ask you what you think they should do.



CASE EXAMPLE

Therapist uses a professional Instagram account, open to the public, to advocate and educate followers on mental health care topics. As a result, they are often invited as a guest on mental health podcasts, etc. A new client indicates on their online intake form they heard about this practice through social media.

THOUGHTS?

Continued...

In their first session, the client mentions that they have been following the therapist's Instagram account for a year now. They continuously reference the therapist's Instagram posts, including some personal information shared during a recent interview.

Conclusions/ Questions

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