



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

Kathryn S. Krase, PhD., JD, MSW  
Krase Consulting

# CE Ethics Rules

## DESIGNED TO MEET 2023 NYS REQUIREMENT FOR ETHICS TRAINING ON

### “Maintaining Appropriate Professional Boundaries”

New York State licensees are responsible for complying with New York State laws, rules, and regulations. Please reference these websites for more information about psychology and social work licensure and unprofessional conduct in the practice of the professions:

#### PSYCHOLOGY:

<https://www.op.nysed.gov/professions/psychology/laws-rules-regulations>

#### SOCIAL WORK

<https://www.op.nysed.gov/professions/licensed-clinical-social-worker/laws-rules-regulations>

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### NOT NYS SPECIFIC

Can count towards ethics & general CE credits in other states

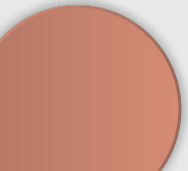
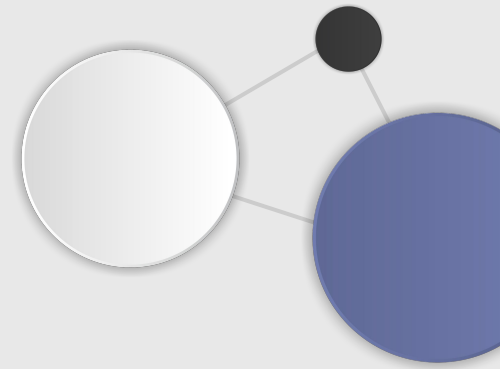
# Learning Objectives

- Describe ethical and legal responsibilities of mental health professionals to maintain appropriate professional boundaries with their clients.
- Define dual/multiple relationships.
- Apply strategies to avoid dual relationships whenever possible.
- Apply a framework to minimize potential harm to clients & professional
- 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 with government and community based organizations developing 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 learn about “Ethics”?

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Why do all 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*

---

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.

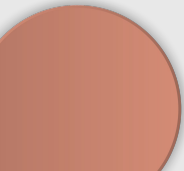
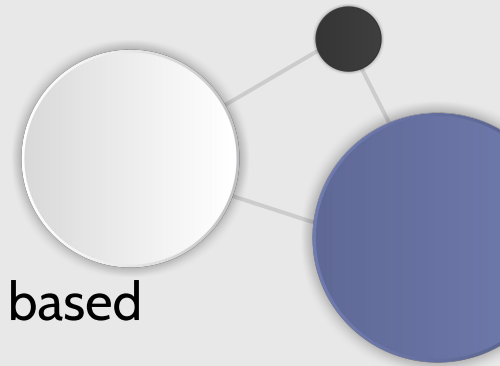
# Where are the Ethical Responsibilities of Professionals Defined?

*Ethical Codes  
& the Law*



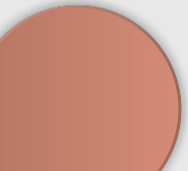
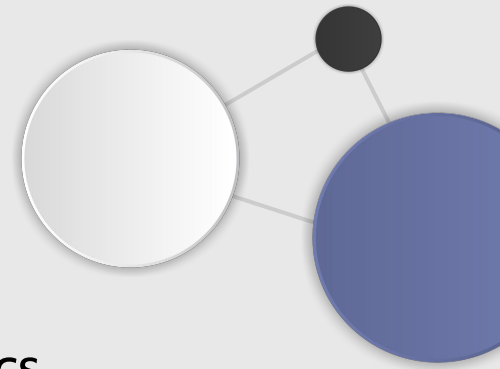
# Purposes of Professional Code of Ethics

- 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

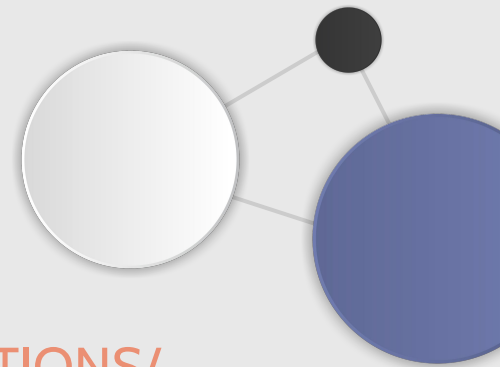


# Professional Ethics in the Law

- Making law is more complicated... and political
- The law (largely) defers to professional codes of ethics



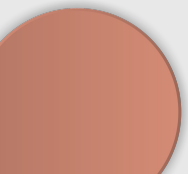
# Interpreting Ethical & Legal Standards



DO NOT PROVIDE GUIDANCE FOR ALL SITUATIONS/  
ALLOWS FOR VARIANCE

Pay attention to the use of language:

- Permissive Standards: “may”
- Suggestive Standards: “should”
- Restrictive Standards: “must”



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

**BOUNDARY VIOLATION**



# 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*

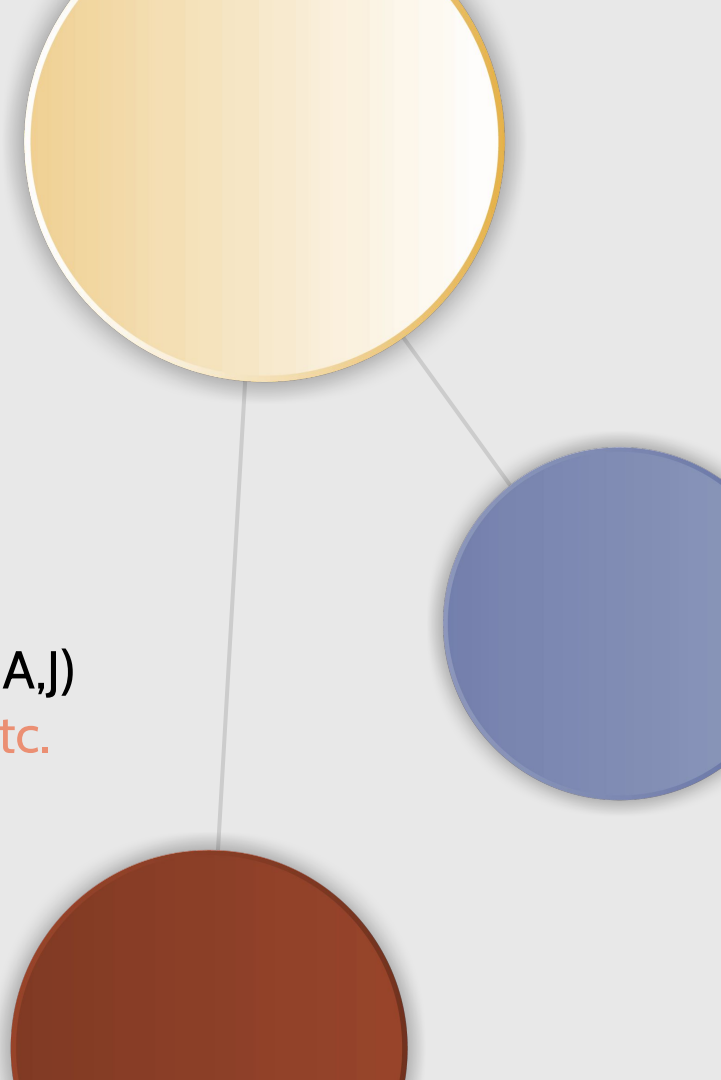
*3.08 Exploitative Relationships*

# 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

# Physical Contact

- Physical contact should be avoided
  - WHY?
- Not all physical contact is problematic
  - But... there is always risk...
- Matters who initiates
- Evaluate/Consider Using 4 Principles (B,N,A,J)
  - Handshakes/High-fives/Fist Bumps, etc.
  - Hugs, and the like
  - Contact with Colleagues
- Set expectations
- Follow client lead





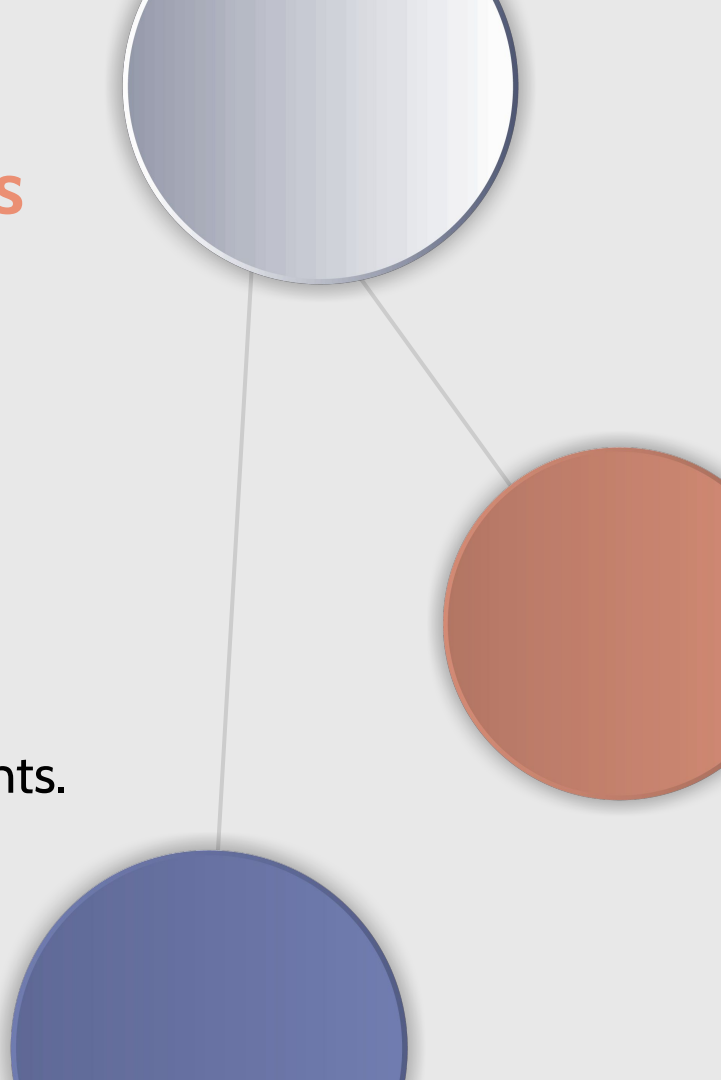
# Dual/Multiple Relationships

- 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...
- Use the BNAJ evaluation to evaluate situation

# Dual Relationships:

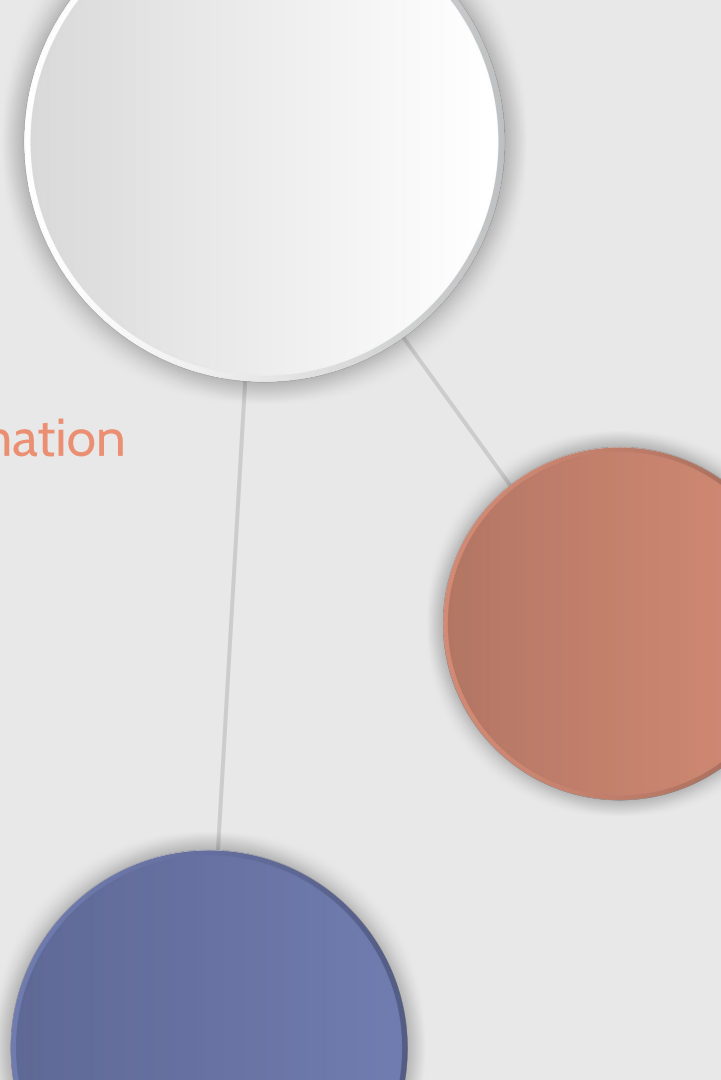
## Romantic & Sexual Relationships

- 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
- 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



# 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.

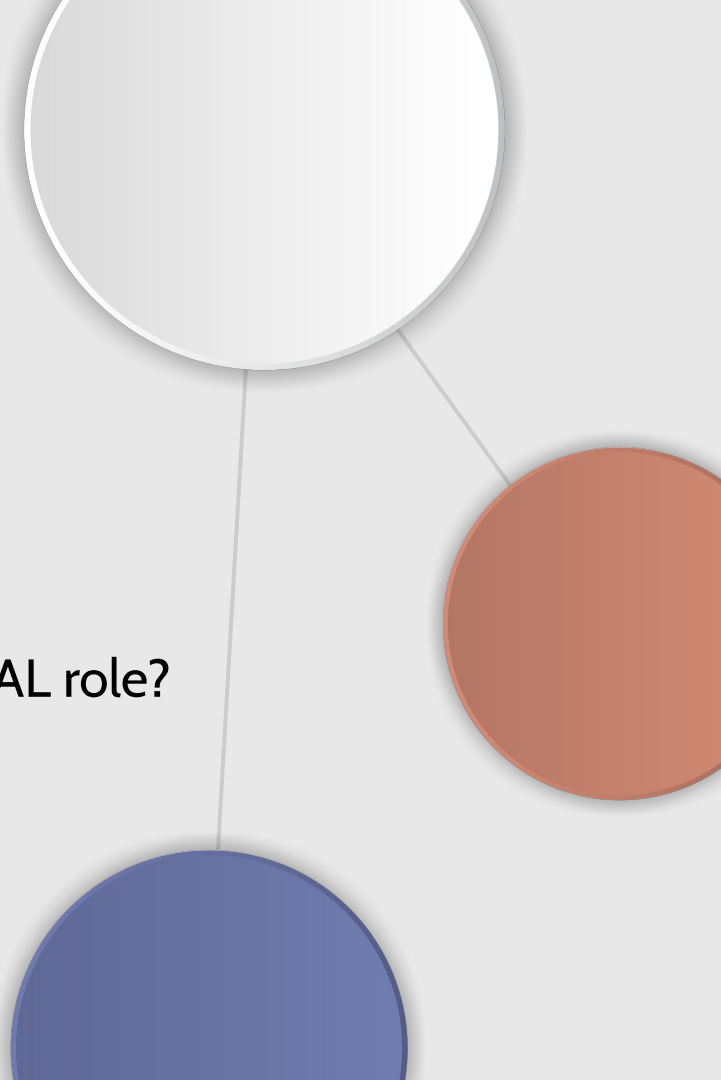
THOUGHTS?

Continued...

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

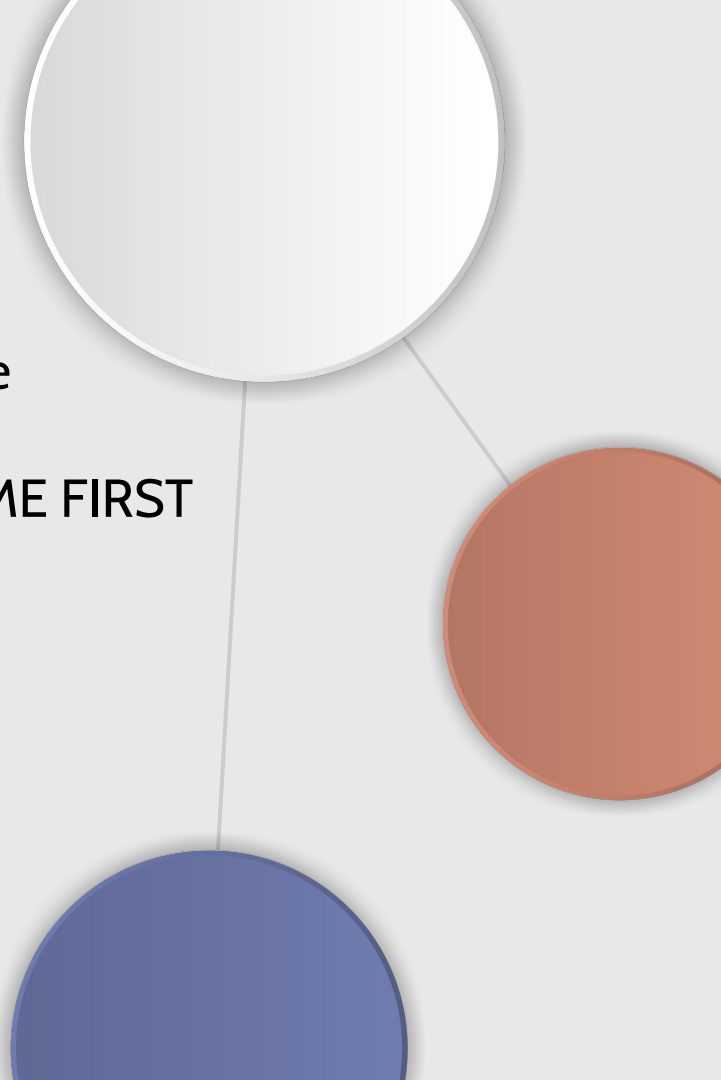
# Altruistic Gestures

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



# 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

How do we preserve/protect boundaries?

# Extra-Office Communication

We don't just work in our offices...

- We work “everywhere”
- Standards based on old practices

How do we preserve/protect boundaries?

# 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.

# Social Media & Internet Accessibility

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.?

How do we preserve/protect boundaries?



# 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.

A decorative graphic consisting of several colored circles (blue, orange, yellow, white, black) connected by thin grey lines, arranged around the central text.

# Protecting Yourself from Ethical & Legal Liability

# Framework to Protect All Involved

Identify  
Issue

Who is  
Impacted?

Outline  
Options

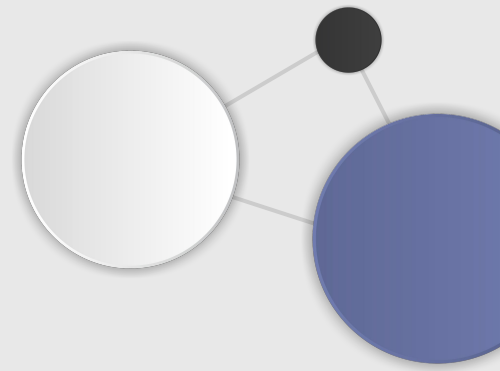
Pros/Cons

Consult  
Colleagues

**Make  
Decision  
& Document**  
(Record/Notes)

*Steps  
Adapted from  
Reamer*

# Preparation for Protection: Setting Boundaries



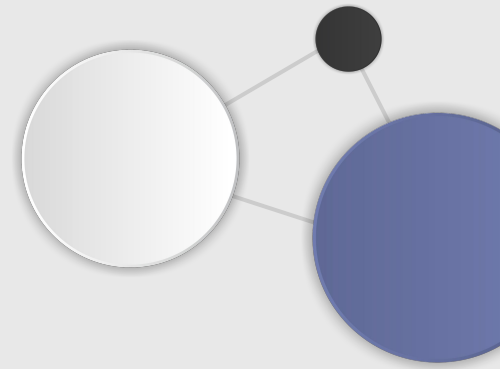
- Make professional relationship CLEAR
  - Goals of relationship
  - Nature of relationship/expectations
- Early and often in relationship
  - Verbal & Written (where appropriate)
- Uniform policies & procedures (& written)
  - Example 1, 2, 3





# Keep on the Lookout

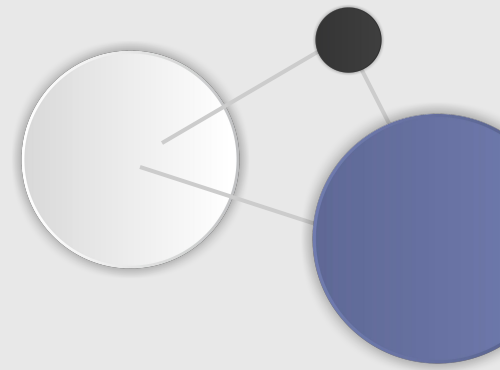
- Anticipate potential conflicts
  - Exploitation & Coercion
- Consider the obvious, and the not so obvious
- Not sure if it's a problem?
  - Consult with colleagues & supervisors



# Address Concerns Immediately

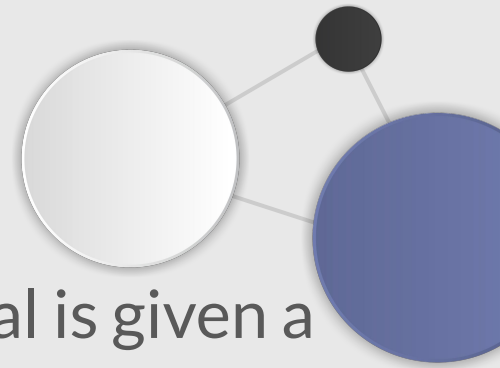
- Tell the client about the issue
- Provide them information to help inform decision
- Respect their decision

**DOCUMENT! DOCUMENT! DOCUMENT!**



## In the Worst Case Scenario

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

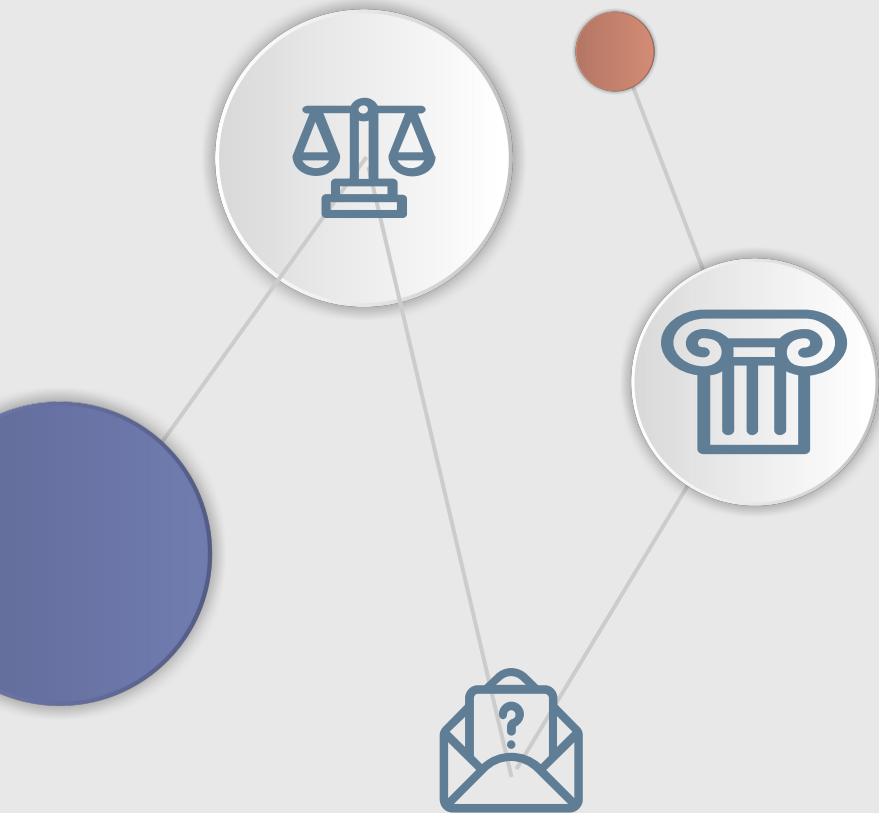


# Conclusions/ Questions

Kathryn S. Krase, PhD, JD, MSW

[kathryn@kraseconsulting.com](mailto:kathryn@kraseconsulting.com)

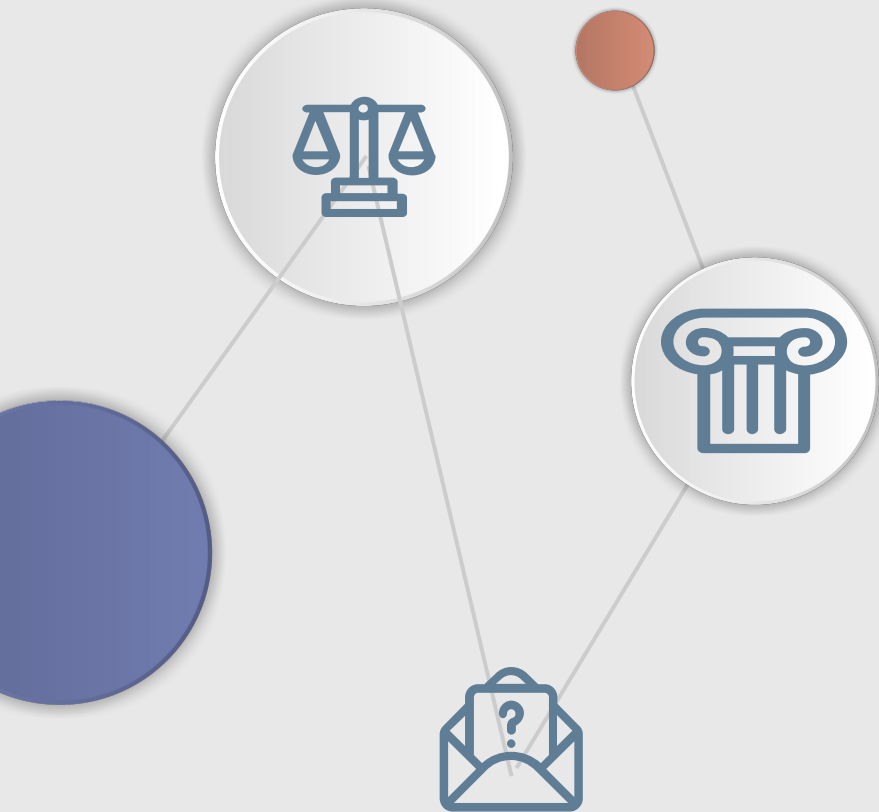
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# Conclusions/ Questions

Kathryn S. Kruse, PhD, JD, MSW  
[kathryn@kruseconsulting.com](mailto:kathryn@kruseconsulting.com)  
<https://www.kruseconsulting.com>



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## FREE GUIDE FOR MANDATED REPORTERS

Considering making a report to Child Protective Services and not sure where to start?

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Making The Tough Call's Decision  
Making Framework

**DOWNLOAD TODAY**

**MAKING THE TOUGH CALL** Considering Making a Report to Child Protective Services? Decision Making Framework by Kathryn Kruse, Ph.D., J.D., M.S.W.

Question	Your Answer
<b>Part 1. Reporting Basics</b>	
What state are you in?	
What is the phone number (mandatory reporters call to make a report to CPS in your state)?	
Is the state you are in (Mandatory Reporting State)?	
What is the legal threshold for suspicion in your state that requires a mandatory report to CPS?	
Does your state (or locality) have a specific age at which children can be self-harm abusers?	
What types of maltreatment might be occurring?	
Are physical indicators apparent? If any?	
Are behavioral indicators apparent? If any?	
Who might be responsible for the concerns you have? Is the alleged perpetrator appropriate to report to CPS?	
Do your concerns meet the definition(s) of maltreatment?	
Yes (This state does not need to make a report to CPS, but you can still help a child and family.)	
No (This state does not need to make a report to CPS, but you can still help a child and family.)	
Not Sure (Call or someone, for a challenge or supervisor, or visit <a href="https://www.makingthetoughcall.info">www.makingthetoughcall.info</a> )	
<b>Part 2. Evaluating Your Concerns</b>	
Are you required to make a report based on your role?	
Are your concerns related to harm to a child that has already occurred or likely to occur in the immediate future?	
Are you being observed? Check your state's statute.	
Do your concerns meet the level of suspicion of maltreatment that requires a report to CPS?	
Are you required to make this report to CPS?	
Yes (Call CPS at the number you identified above.)	
No (You may, but you do not need to make a report to CPS, but you can still help a child and family.)	
Not Sure (Call or someone, for a challenge or supervisor, or visit <a href="https://www.makingthetoughcall.info">www.makingthetoughcall.info</a> )	

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