



Exploring Ethical Obligations: Boundaries, Confidentiality & Mandated Reporting

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State CE Ethics Rules

THIS TRAINING MEETS 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>

NOT NYS SPECIFIC: Can count towards ethics & general CE credits in other states

Outline

- Introductions
- Revisiting Ethics in Professional Practice
- Drawing the Lines: Setting (& maintaining) Professional Boundaries
- Keeping Client Confidences: From the Basic to the Difficult
- Making the Tough Call: Reporting Suspected Child Abuse & Neglect
- Questions and Conclusions

BROAD SURVEY COURSE



Introductions

- Who are You?
- Who Am I?
 - *Limitation of my role*
- Why We're Here?



Revisiting Ethics in Professional Practice

- What do you think about when you hear the word “Ethics”?
- Where were you first exposed to ethics?
- Why do all professions have ethics?
- Are “ethics” and “the law” the same thing?

Ethical Principles

Common Across Professions



Beneficence

Non-Maleficence

Autonomy/Self-Determination

Justice

Purposes of Professional Code of Ethics

- 1) Identifies core values on which profession's mission is based
 - Socializes new practitioners
- 2) Summarizes broad ethical principles reflecting profession's core values
- 3) Establishes ethical standards to guide professional practice
- 4) Designed to help professionals identify relevant considerations when obligations conflict or ethical uncertainties arise
- 5) Provides ethical standards to which the professional itself, as well as the general public, can hold the profession/professional accountable



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”

Ethics and the Law: An Exercise



	Ethical Behavior	UNethical Behavior
Legal Behavior		
ILLEGAL Behavior		

Complaints of Unethical Practice:

Most Common Violations

1. Boundary Violations
2. Licensure Issues
3. Practice Issues



Complaints of Unethical Practice: LEAST Common REPORTED Violations

- Confidentiality breaches
- Mishandled records
- Failure to report a suspicion of child abuse



Protecting Yourself



- Preparation: Informed Consent
 - Example [1](#), [2](#), [3](#)
- Minimize exposure to liability
- Meet professional standards of care
- Seek guidance/legal advice

Considerations for Informed Consent

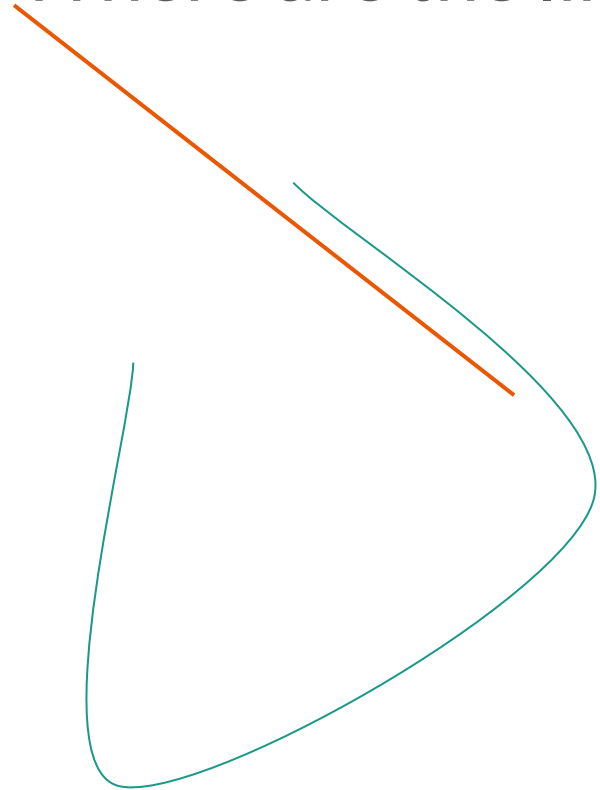


- Primary Language
- Developmental Stage
- Cognitive limitations



Drawing Lines: Setting (& maintaining) Professional Boundaries

- What are the lines?
- Where are the lines?



Physical Contact



- Should not engage in physical contact with clients...
 - When there is a possibility of psychological harm to the client as a result of the contact
 - Evaluating physical contact using 4 Ethical Principles
 - Handshakes, high-fives and fist-bumps
 - Hugs, etc.
- Set clear boundaries about contact before contact

Conflicts of Interest



- Dual or multiple relationships
 - Defining
 - Personal
 - Professional
 - Avoiding
 - Why?
 - Ethical Analysis
- When unavoidable, take steps to protect clients:
 - Set clear, appropriate, & culturally sensitive boundaries

Sexual Relationships



- Sexual activities/contact with current clients, consensual or not
 - NEVER OKAY
 - [Legality differs by state](#)
- Sexual activities with former clients
 - NOT OKAY
 - Burden of proof on Professional
- Professional relationship with former sexual partner
 - NOT OKAY
- Sexual relationship with family/friends of current/former clients.
 - NOT OKAY

Potential Damage from Boundary Conflict



- To client/other person
 - Emotional
- To self
 - Emotional
 - Professional
 - Monetary

Preparation (& then Action)

Key to Protection

(Personal & Professional)



- Setting Boundaries
 - Part of the informed consent process
- Keep on the lookout
- Acknowledge as early as possible
- Address with client immediately



Keeping Client Confidences:

From the Basic to the Difficult



Client Confidentiality

- Defining Confidentiality
 - Keep information private
 - “Hold confidences”



Confidentiality vs. Privilege



- Not synonymous terms; but related
 - Confidentiality is professional responsibility provided through ethics & law
 - Privilege protects information from admission in legal proceeding.
- Privilege derives from relationship with expectation that information passed within the relationship will remain confidential.
- Privileges you know about?

Therapist Privilege?



- Jaffee vs. Redmond (U.S. Supreme Court 1996)
- Limited to confidences exchanged in therapeutic relationship
 - Not case management, etc

Simple Confidentiality Rules

- Client records
 - On Paper
 - Electronically
- Talking about work
 - At work
 - At home



Confidentiality in Special Situations

- Working with groups
- Working with families
- Working with minors (and their parents)
 - [Resource](#)
- Working with the cognitively impaired



What about HIPAA?



- Health Insurance Portability and Accountability Act of 1996
 - Federal Law
- Promotes greater sensitivity/awareness of private information
- Provides exceptions for legally required reports to public health and other government authorities.

Treatment for Addiction/ Substance Use Disorders: Protected Records



- Special protection provided by federal law
 - To encourage treatment
- Exemptions stated in policy

Breaching Confidentiality: Ethical Analyses



- Client Release
 - Ensuring understanding
- Duty to Warn/Protect from client caused harm
 - Tarasoff Case
- Duty to Protect client from self-harm
- Defense of Professional
- Legally Compelled: Subpoena/Court Order
- Mandated Reporting
 - Child Maltreatment
 - Elder Abuse
 - “Vulnerable persons”

Making the Tough Call: Reporting Suspected Child Abuse & Neglect



Ethics & Mandated Reporting: Overview



- Experience:
 - Accepted as professional standard from our start in the profession
- Reality:
 - Ethical challenges related to boundaries and confidentiality that are rarely addressed

Ethics & Mandated Reporting: Boundaries



- What is your relationship with your client?
 - Authoritative?
 - Protective?
 - Collaborative?
- Legal obligation to report client makes relationship awkward

Ethics & Mandated Reporting: Confidentiality



- Mandated reporting challenges expectations of confidentiality

Mandated Reporting: Ethical Analysis

- Beneficence
- Non Maleficence
- Autonomy
- Justice



Ethics & Mandated Reporting: When Are You Required to Report?



- When suspicions meets legal definitions of:
 - Neglect, Physical Abuse, Sexual Abuse, Emotional Maltreatment, etc
 - KNOW YOUR DEFINITIONS
- When you have requisite level of suspicion:
 - Often “reasonable cause to suspect”
 - Know the standard in your state
 - **YOU ARE NOT REQUIRED TO REPORT ALL SUSPICIONS/CONCERNS**

Ethics & Mandated Reporting: Concerns for Failing System

- Under-reporting
- Over-reporting
- Apprehension with asking for help
- Racial Disproportionality
- Traumatic Investigations & Family Separations
- Unhelpful/unproven interventions
- Calls for Abolition

Conclusions, Questions & Comments

Boundaries & Confidentiality are **important**, but **challenging** responsibilities!

Thank you!

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makingthetoughcall.info/thankyouguide

The document is a decision-making framework for mandated reporters. It includes a title, author information, a QR code, and two main sections: 'Part 1: Reporting Basics' and 'Part 2: Evaluating Your Concerns'. Each section contains a series of questions with corresponding blank lines for answers.

Question	Your Answer
Part 1: Reporting Basics	
What state are you in?	
What is the phone number professional reporters call to make a report to CPS in your state?	
In the state you are in an Universal Reporting State?	
What is the legal threshold for suspicion in your state that requires a mandated reporter to call CPS?	
Does your state (or locality) have a specific age at which children can be left home alone?	
What aspects of maltreatment might be suspected?	
What physical indicators are present, if any?	
What behavioral indicators are present, if any?	
Who might be responsible for the concerns you report to the alleged perpetrator appropriate to report to CPS?	
Do your concerns meet the definition(s) of maltreatment?	
Yes (Continue on to the next section, Evaluating Your Concerns)	
No (This help sheet may be useful to report to CPS, but you will still help a child and their family.)	
Not Sure (For more information, visit www.makingthetoughcall.org for more information, relevant publications & training)	
Part 2: Evaluating Your Concerns	
Are you required to make a report based on your state?	
Are your concerns related to harm to a child that has already occurred or likely to occur in the foreseeable future?	
Are you being subpoenaed? Check your license & taxes.	
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 or the hotline you identified previously.)	
No (You do not need to make a report to CPS, but you will still help a child and their family.)	
Not Sure (Talk to someone, like a colleague or supervisor, and read www.makingthetoughcall.org)	

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FREE GUIDE FOR MANDATED REPORTERS

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

Download our free guide with Making The Tough Call's Decision Making Framework

DOWNLOAD TODAY



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