

Boundary Issues: Ethics and Risk Management

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The Trust Risk Management

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Today's Presenters



Daniel O. Taube earned his JD/PhD from Villanova University and Hahnemann University (1985 and 1987, respectively), as a member of the Joint Psychology and Law Graduate Program. He is Professor Emeritus at the California School of Professional Psychology, Alliant International University, San Francisco and is currently a member of The American Insurance Trust's Risk Management team. He consults nationally with a wide range of practitioners regarding standards of practice, ethical concerns, and risk management. His areas of professional focus include ethical and legal issues in professional practice, child protection and addictions.



A Fellow of the American Psychological Association (APA) and a Distinguished Member of the National Academies of Practice (NAP), Jeffrey N. Younggren, PhD, is a clinical and forensic psychologist who lives in New Mexico. He was a clinical professor at the University of California, Los Angeles, School of Medicine and currently is a clinical professor in the Department of Psychiatry and Behavioral Sciences at the University of New Mexico. Dr. Younggren served as President of APA Division 42 (Psychologists in Independent Practice). He has served on numerous boards and committees, including the Ethics Committees of the California Psychological Association (CPA) and the APA, the APA Committee on Accreditation, and the APA/APLS Committee that drafted the Specialty Guidelines for Forensic Psychology. Dr. Younggren consults to various licensing boards on ethics and standards of care, and qualifies as an expert in criminal, civil and administrative proceedings. He continues to serve as a Risk Management consultant to The Trust and its policyholders.

Disclosures/Conflicts of Interest

- Aside from our affiliation with The Trust, we have no conflicts of interest to disclose

Learning Objectives

1. List five ethical dimensions of multiple relationships.
2. Apply an ethical analytic model to determine whether a multiple relationship is a permissible boundary crossing or an impermissible violation.
3. Identify two strategies for reducing risks when encountering multiple relationships and boundary concerns.

APA (2017) Ethics Code

3.05 Multiple Relationships

- (a) A multiple relationship occurs when the psychologist is in a professional role with a person and
 - (1) at the same time is in another role with the same person,
 - (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has a professional relationship, or
 - (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to that person.

APA (2017) Ethics Code

3.05 Multiple Relationships (cont.)

- A psychologist refrains from entering into a multiple relationship if the multiple relationship *could reasonably be expected to impair* the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist or otherwise risks exploitation or harm to the person with whom the professional relationship exists.
- *Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.*

APA (2017) Ethics Code

3.06 Conflict of Interest

- Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to
 - (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or
 - (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

APA (2017) Ethics Code

3.08 Exploitative Relationships

- Psychologists do not exploit persons over whom they have supervisory, evaluative or other authority such as clients/patients, students, supervisees, research participants, and employees.

Clinical/Ethical Issues

- Short of the outer limits, boundary ideas are flexible.
- Gutheil and Gabbard (1993) argued for two types of situations in which boundaries may not be maintained:
 - **Boundary crossings** (which are not harmful and may be beneficial to clients)
 - **Boundary violations** (which are harmful to clients)
- **Violations are prohibited, crossings are not.**

Boundaries and Risk Management

- How do we assess the risk levels of boundary crossings?
 - It can be very difficult to determine risk levels
- But there are some characteristics for clinicians and clients that can help
- Though anecdotal, the literature suggests that boundary problems that result in harm are more likely with certain kinds of clients and clinicians

Boundaries and Risk Management

High risk clients:

- Cluster B Personality Disorders (Borderline/Narcissistic/Antisocial)
- Dissociative Identity Disorder (DID/MPD)
- PTSD (complex)
- Clients who were abused as children or are in abusive relationships
- Potentially suicidal clients
- Potentially violent clients
- Clients involved in unrelated lawsuits
- Clients with recovered memories of abuse

Boundaries and Risk Management

High risk situations:

- Clients who ask clinicians to step outside the usual role
 - e.g., writing letters for legal process
- Highly demanding clients
- Clinician vulnerability
- An unbridled desire to help without consideration of:
 - Competence
 - Training
 - Impact on current role
- Very wealthy patients/clients
- Very attractive patients/clients

Legal & Risk Management Considerations

- How to address boundary challenges where risk of harm must be assessed?
- Gutheil (2005):
 - Boundaries be firmly set at the outset of treatment, and then re-established when needed (e.g., what to do with a person in the office who begins to act out sexually)
 - We must stick to those boundaries:
 - *“even theoretically benign boundary crossings can be misconstrued or portrayed in a worse light in later litigation. Boundary crossings thus require circumspection, weighing of pros and cons, and obtaining consultation with a low threshold.”* (p. 480)

Legal & Risk Management Considerations

- If the risks are minimal, we may proceed
 - BUT--Consider “worst case” scenarios
 - Remember to ask “what do I gain?”
 - Might this be an “appearance” of a conflict of interest?
 - Remember, boards are quite conservative about boundaries
 - Documentation, consultation and informed consent are crucial in decision-making, and if there is a later complaint

Q&A



- Dr. Sammons will read select questions that were submitted via the Q&A feature throughout the presentation.
- Due to time constraints, we will not be able to address every question asked.

References

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