

CCPX 5030: Ethical and Professional Issues in Clinical Psychology

Teachers College, Columbia University, Fall 2015

Tuesdays, 9:00 AM-10:40 AM; GDH 362

9/8, 9/15, 9/22, 9/29, 10/6, 10/13, 10/20, 10/27, 11/3, 11/10, 11/17, 11/24, 12/1, 12/8, 12/15

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Office Hours: By appointment

DESCRIPTION:

This course lays the foundation for students' acculturation process into the ethical and professional standards and conduct for the practice of clinical psychology. Specifically, this course covers the ethics, federal and New York State laws and regulations, case law, professional codes, and institutional/employer guidelines for the practice of clinical psychology and how to apply them to and resolve complex cases/dilemmas. Case applications/dilemmas will cover different modalities (individual, couples, family, group, etc.), theoretical orientations (psychodynamic, CBT, DBT, systemic, etc.), developmental periods (child, adolescent, adult), and diverse populations (e.g., Muslims, South Asians, Asians, Caribbean groups, etc.). In addition, students will develop their own ethical decision-making algorithm (EDMA) that they will be expected to use and apply throughout their training and careers with personal integrity and cultural competence. Emerging ethical issues and responsible use of technology (e.g., telepsychology, social media, etc.) will also be addressed.

After completing this course, students will continue their ethics acculturation process through additional courses and training experiences. For example, in the second semester course on Clinical Intake/Interviewing (CCPX 5539), students will continue to learn about those ethical principles most relevant to clinical practice; in the first semester of year two, in the course on Clinical Work with Diverse Populations (CCPX 5036), students will learn about ethical, legal and practice guidelines associated with diversity and working with culturally diverse individuals; in second-year practicum (CCPX 6335) students will learn about ethical and legal issues associated with self-care as a psychologist; and in the third-year course on supervision (CCPX 6333), students will learn about ethical and legal aspects of providing and receiving supervision. Other areas in ethics (e.g., assessment, research, etc.) will be covered through specific courses and individual research labs.

OBJECTIVES:

1. To develop a thorough understanding of the *APA Ethical Principles of Psychologists and Code of Conduct* and its applications for clinical practice.
2. To become familiar with major laws and regulations (federal & New York State), case law, professional codes, and institutional/employer guidelines that impact the practice of psychology and to see the interplay and be able to resolve conflicts between ethics and each of these areas.
3. To develop and learn to apply an individualized ethical decision-making algorithm (EDMA) with personal integrity and cultural competence to everyday ethical challenges and dilemmas.
4. To understand the broader ethical principles underlying ethics codes so that students can make responsible ethical decisions about complex ethical issues.
5. To learn how to recognize and think critically about ethical and professional issues and dilemmas and how to resolve them appropriately and practically.
6. To practice delivering and receiving peer feedback on case dilemmas and decisions.
7. To understand the relationship between personal values, emotional stability, and ethical actions as professionals.
8. To become aware of emerging ethical issues and the responsible use of technology in clinical psychology.

MAIN TEXT:

Nagy, T.F. (2011). *Essential ethics for psychologists: A primer for understanding and mastering core issues*. Washington, DC: American Psychological Association. [Nagy]

ADDITIONAL TEXTS (chapters available through e-reserve):

Pope, K.S., & Vasquez, M.J.T. (2011). *Ethics in psychotherapy and counseling: A practical guide* (4th ed.). San Francisco, CA: John Wiley & Sons, Inc. [P&V]

Meyer, R. & Weaver, C. (2006). *Law and mental health: a case-based approach*. New York: Guilford Press. [M&W]

REQUIREMENTS:

Class Structure, Readings, Participation, and Attendance:

I strive to create a learning environment that is fair, supportive, and challenging. Each class is divided into two parts: a) readings/theoretical; b) case application/dilemma.

During part one, students are expected to have read the assigned readings and to be prepared to discuss them. One student will be “cold called” to either initiate the class discussion or be the first respondent to the opening discussion question. Discussion will then open to the entire class.

During part two, one student will be “cold called” to respond to the case application/dilemma through Socratic questioning. A second student will then be “cold called” to provide the initial feedback/analysis of the first student’s answer. Discussion will then open to the entire class.

Students are expected to attend each class on time. You must inform me if you will be absent or late. If you are absent, you must submit a reaction paper based on that week’s readings and respond to the case application/dilemma for the class that you missed (2-3 pages). Excessive absences or lateness will result in a lowered grade.

Assignments (#1-#5):

All assignments are expected to be turned in on time according to submission requirements.

Assignment #1: Ethics Autobiography (3-4 pages)

Submission: Printed copy due on 9/15 @ 9am (in class)

As you acculturate into the ethical practices in the profession of clinical psychology, it is important to understand from where you have come. In order to explore this, you will complete an assignment suggested by Bashe, Anderson, Handelsman, and Klevansky (2007). It is CRITICAL to note that you DO NOT need to self-disclose personal information that you do not want to (*See the APA Ethics Code, Standard 7.04*).

You may choose to address any/some of the following questions: What experiences have you already had in the field, and what ethical dilemmas have you already encountered? What is your idea of right and wrong professional behavior and where does it come from? What professional ethics in the field are most compatible with your own personal values, and which professional ethics are least compatible? What aspects of this profession strike you as “not intuitive?” What is your idea of right and wrong personal behavior, and where does this conception come from? What are your top three values, and where do they come from? What are three personal needs that you think match well with the profession? What are three personal needs that you think might conflict with the profession? What morals are most important to you, and where do they come from? How do these align with or conflict with the ethics code and professional standards? How might the alignment or conflict influence your work with clients?

Assignment #2: Ethical Decision-Making Algorithm (EDMA) (no page requirement)

Submission: Electronic (by email) and printed copy due on 9/29 @ 9am (in class). Parts I and II will be electronically shared with each of your classmates so you will see various constructions of EDMAs. Parts III and IV will only be seen by me.

There are four components of ethical behavior according to Rest (1983, 1984): (1) ethical sensitivity, (2) ethical reasoning, (3) motivation to act ethically, and (4) commitment to follow through on ethical decisions. This assignment will address all four components.

You have become familiar with different ethical decision-making models, the criticisms of these models, and the history of the field of ethical decision-making. You now have the opportunity to synthesize and demonstrate your learning by creating your own EDMA. After this assignment, you will be testing and applying your EDMA to dilemmas throughout this course. As you continue your training, you will be expected to demonstrate and apply your EDMA during subsequent courses, supervision, etc.

Your EDMA must consider the following components/variables: 1) time (urgent vs. non-urgent pathways); 2) ethical sensitivity; 3) ethics, federal and New York State laws and regulations, case law, professional codes, and institutional/employer guidelines; 4) nonrational/intuitive factors; 5) documentation of decision-making process/record keeping; 6) reflection/learning after the decision.

Your EDMA may consider the following components: 1) mnemonic/mechanism to easily remember your model and steps; and 2) questions you might ask yourself during each step.

Part I: Present a visual/image representation of your EDMA, labeling each step.

Part II: Clearly describe each step/pathway and its components.

Part III: Behind the curtain: How did you develop your EDMA? (You may incorporate none/any/all of the following questions, but must help me understand how you developed this EDMA): Why did you construct your EDMA in this particular manner? Did particular authors or papers influence you? Did you speak with supervisors, advanced trainees, mentors, etc.? Why the specific number of steps? Why not more or less? How does your EDMA address any of the criticism of the decision-making process? Is your EDMA just for you (does it overcompensate for any of your particular weaknesses/biases) or is it universal? Could it also be used by any of your classmates?

Part IV: As we have discussed extensively, just because you will utilize an EDMA does not mean that you will act ethically (component 3) or follow through on your decisions (component 4). Does this link to what you discussed in Assignment #1 (Ethics Autobiography), and if so, how? Describe what factors might either facilitate or hinder your desire/ability to act ethically or follow through on your decisions. You must address both components.

Assignment #3: NY State Mandated Reporter Training (2 hrs)

Submission: Two printed copies of completion due on 11/10 @ 9am: one copy for me; one copy to be placed in your permanent file (see Ms. Rebecca Shulevitz in Clinical Psychology Office).

Complete the Identification and Reporting of Child Abuse in New York State at:

<http://www.nysmandatedreporter.org>

Assignment #4: Professional Standards Presentation (5-10 minutes)

Submission (Part I): Electronic submission of top 5 choices due on 10/6 @ 9am

Submission (Part II): One page print copy (9 copies) due on 11/24 @ 9am

Part I: You will select top 5 guidelines/codes/standards of interest from the following site: <http://www.kspope.com/ethcodes/index.php>. After receiving all choices from students, I will assign one guideline/code/standard for you to present to the class.

Part II: Your presentation should be 5-10 minutes. You must produce a one page handout which highlights key components of your guideline/code/standard.

Assignment #5: Revised/Final Ethical Decision-Making Algorithm (EDMA) & Case Application (no page requirement)

Submission: Electronic (by email) and printed copy due on 12/8 @ 9am (in class). I will return your assignment with comments on 12/15. You will then have one day to make any necessary revisions to Parts I and II. Your final parts I and II will then be electronically shared with each of your classmates, the Director of Clinical Training (currently, Barry Farber, Ph.D.) and the Director of DHCEPS (currently, Dinelia Rosa, Ph.D.). Parts III-VI will only be seen by me.

You have spent the semester applying, editing, and refining your EDMA from Assignment #2 and have been exposed now to the EDMAs of your classmates.

Part I: Present a visual/image representation of your final EDMA, labeling each step.

Part II: Clearly describe each step/pathway and its components.

Part III: Present a sufficiently complex dilemma involving at least one topic from this course that would require you to use your EDMA. The dilemma can be constructed from any source (e.g., speaking with advanced trainees, supervisors, readings, etc.), but should be your own work (e.g., don't use a published case or one used in class already).

Part IV: Apply your EDMA, clearly demonstrating the steps.

Part V: Change *at least two variables* in your dilemma and re-apply only the relevant aspects of your EDMA to demonstrate how some of your steps or decisions may be different (e.g., What if your dilemma was in a different country (e.g., Canada) or state (e.g., NJ or CA)? Different organization/institution? Different time in career (e.g., trainee vs. licensed)? Different demographic variables of the client (e.g., age, race, sexual orientation, culture, etc.)? Different time in treatment (e.g., first session vs. year three)? Different professional code or practice guideline (e.g., social work, counseling, etc.)? Different modality (psychodynamic, CBT, family, etc.)?)

Part VI: Reflect on this assignment in the context of the course: What have you learned from this particular assignment? How does it relate to what you will take away from this course?

EVALUATION OF STUDENT COMPETENCE:

Student competence will be evaluated by the following multimodal methods: 1) Class attendance and participation (voluntary and “cold call”); 2) Giving and receiving peer feedback on cases/ dilemmas; 3) Completion of Identification and Reporting of Child Abuse in New York State training (Assignment #3); 4) Three papers (Assignments #1, #2, #5); and 5) Presentation (Assignment #4). Specific grading policies and expectations for each area will be discussed in class.

EVALUATION OF COURSE/PROFESSOR:

Mid-Semester Evaluation:

It is important for me to receive direct and anonymous feedback about my teaching and this course at any point in the semester. You will be given a course evaluation for anonymous feedback on 10/20 that needs to be returned (in class) on 10/27.

End of Semester Evaluation:

It is strongly suggested that each student complete the end of semester TC online course evaluation.

SCHEDULE OF TOPICS (all readings available through e-reserve):

PART I: INTRODUCTION & ETHICAL DECISION-MAKING/REASONING

WEEK 1 (9/8): Introduction & Ethical Sensitivity

- Nagy: Ch. 2 (pp.29-48) (Brief history & overview of the APA ethics code)
- Knapp, S., Handelsman, M.M., Gottlieb, M.C., VandeCreek, L.D. (2013). The dark side of professional ethics. *Professional Psychology: Research and Practice*, 44(6), 371-377.
- Moffett, L.A., Becker, C.J., Patton, R.G. (2014). Fostering the ethical sensitivity of beginning clinicians. *Training and Education in Professional Psychology*, 8(4), 229-235.

Optional:

- Handelsman, M.M., Gottlieb, M.C., & Knapp, S. (2005). Training ethical psychologists: An acculturation model. *Professional Psychology: Research and Practice*, 36, 59-65.
- American Psychological Association, Ethics Committee. (2015). Report of the Ethics Committee, 2014. *American Psychologist*, 70(5), 444-453.

WEEK 2 (9/15): Ethical Decision-Making/Ethical Reasoning (Part I)

ASSIGNMENT #1 DUE

- **Nagy:** Ch. 1 (pp. 9-28) (Thinking critically about ethics), Ch. 8 (pp. 147-70) (Approaches to ethical decision making)
- Cottone, R.R. (2012). Ethical decision making in mental health contexts: Representative models and an organizational framework. In S.J. Knapp (Ed.), *APA handbook of ethics in psychology, Vol 1: Moral foundations and common themes* (pp. 99-121). Washington, DC: American Psychological Association.
- Barnett, J.E., Behnke, S.H., Rosenthal, S.L., Koocher, G.P. (2007). In case of ethical dilemma, break glass: Commentary on ethical decision making in practice. *Professional Psychology: Research and Practice*, 38(1), 7-12.
- Knapp, S., Gottlieb, M., Berman, J., Handelsman, M.M. (2007). When laws and ethics collide: What should psychologists do? *Professional Psychology: Research and Practice*, 38(1), 54-59.

Optional:

- Knapp, S., VandeCreek, L. (2007). When values of different cultures conflict: Ethical decision making in a multicultural context. *Professional Psychology: Research and Practice*, 38(6), 660-666.
- **P&V:** Ch. 11 (pp.117-121) (Steps in ethical decision making)
- Lincoln, S.H., Holmes, E.K. (2010). The psychology of making ethical decisions: What affects the decision? *Psychological Services*, 7(2), 57-64.

WEEK 3 (9/22): Ethical Decision-Making/Ethical Reasoning (Part II)

- Rogerson, M.D., Gottlieb, M.C., Handelsman, M.M., Knapp, S., & Younggren, J. (2011). Nonrational processes in ethical decision making. *American Psychologist*, 66, 614 – 623.
- Pomerantz, A.M. (2012). Ethical? Toward whom? *American Psychologist*, 67, 324–325.
- Sisti, D., & Baum-Baicker, C. (2012). A plea for virtue in ethics. *American Psychologist*, 67, 325.
- Rogerson, M.D., Gottlieb, M.C., Handelsman, M.M., Knapp, S., & Younggren, J. (2012). Nonrational processes and ethical complexities. *American Psychologist*, 67(4), 325-326.
- Sternberg, R.J. (2012). A Model for Ethical Reasoning. *Review of General Psychology*, 16(4), 319–326.
- **P&V:** Ch. 3 (pp.16-33) (Ethics and critical thinking)

PART II: ETHICS, CASE LAW, & FEDERAL/STATE LAWS & REGULATIONS

WEEK 4 (9/29): Introduction to APA Ethics Code & Law and Mental Health

ASSIGNMENT #2 DUE

- **Nagy:** Ch. 3 (pp. 49-63) (The general ethical principles of psychologists)
- American Psychological Association. (2010). *Ethical principles of psychologists and code of conduct (2002, Amended June 1, 2010)*. Retrieved on September 2, 2015 from <http://www.apa.org/ethics/code/index.aspx>
- Behnke, S.H., Jones, S.E. (2012). Ethics and ethics codes for psychologists. In S.J. Knapp (Ed.), *APA handbook of ethics in psychology, Vol 1: Moral foundations and common themes* (pp. 43-74). Washington, DC: American Psychological Association.

- Stark, L. (2015). Why Ethics Codes Fail. Retrieved September 2, 2015 from <https://www.insidehighered.com/views/2015/07/21/essay-why-scholarly-ethics-codes-may-be-likely-fail>
- **M&W:** Introduction (pp. 1-17) (Law and mental health)

Optional:

- Report to the special committee of the Board of Directors of the American Psychological Association: Independent review relating to APA ethics guidelines, national security interrogations, and torture (“The Hoffman Report”) (2015). Retrieved September 2, 2015 from <http://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>

WEEK 5 (10/6): Competence

**** Submit electronically (by email) top 5 choices for ASSIGNMENT #4**

- **Nagy:** Ch. 4 (pp. 67-88) (Competence)
- Thriault, A., Gazzola, N., & Richardson, B. (2009). Feelings of incompetence in novice therapists: Consequences, coping, and correctives. *Canadian Journal of Counselling, 43*(2), 105-119.
- Tamura, L.J. (2012). Emotional competence and well-being. In S.J. Knapp (Ed.), *APA handbook of ethics in psychology, Vol 1: Moral foundations and common themes* (pp. 175-215). Washington, DC: American Psychological Association.
- Wise, E. H. (2008). Competence and scope of practice: Ethics and professional development. *Journal of Clinical Psychology, 64*(5), 626-637.
- Barnett, J. E., Doll, B., Younggren, J. N., & Rubin, N. J. (2007). Clinical competence for practicing psychologists: Clearly a work in progress. *Professional Psychology: Research and Practice, 38*(5), 510-517.

WEEK 6 (10/13): Informed Consent

****Please be prepared to role play different consent scenarios**

- **Nagy:** Ch. 5 (pp. 89-104) (Informed consent)
- **M&W:** Ch. 3 (pp. 57-69) (Informed consent: *Miranda v. Arizona* (1966), *Zinerman v. Burch* (1990), *Arizona v. Fulminante* (1991))
- Barnett, J.E., Wise, E.H., Johnson-Greene, D., Bucky, S.F. (2007). Informed consent: Too much of a good thing or not enough? *Professional Psychology: Research and Practice, 38*(2), 179-186.
- Younggren, J.N., Fisher, M.A., Foote, W.E., Hjelt, S.E. (2011). A legal and ethical review of patient responsibilities and psychotherapist duties. *Professional Psychology: Research and Practice, 42*(2), 160-168.
- Go to: <http://www.apait.org/apait/download.aspx> and download: Sample Informed Consent Form, Sample Outpatient Services Agreement for Collaterals, Sample Child Therapy Contracts
- Dean Hope Center for Educational and Psychological Services (**DHCEPS**) (2014). *Handbook of policies and procedures*. New York, NY: Author. (pages to be assigned)

WEEK 7 (10/20): Boundaries, Relationships (sexual, nonsexual multiple), and Avoiding Harm & Exploitation

****Mid-Semester course evaluation given to students**

- **Nagy:** Ch. 7 (pp. 127-144) (Avoiding harm and exploitation)
- **P&V:** Ch. 16 (pp. 209-234) (Sexual relationships with clients), Ch. 17 (pp. 235-258) (Nonsexual multiple relationships and other boundary issues)
- Barnett, J.E., Lazarus, A.A., Vasquez, M.J.T., Moorehead-Slaughter, O., Johnson, W.B. (2007). Boundary issues and multiple relationships: Fantasy and reality. *Professional Psychology: Research and Practice, 38*(4), 401-410.

- Pope, K.S., Keith-Spiegel, P., & Tabachnick, B.G. (2006). Sexual attraction to clients: The human therapist and the (sometimes) inhuman training system. *American Psychologist*, 41(2), 147-158.
- Complaint: *California Board of Psychology v. Michael Mantell, Ph.D.* (2014)
- Final Decision & Order: *Commonwealth of Massachusetts Board of Registration in Medicine v. Joseph A. Jackson IV, D.O.* (2010)

Optional:

- Gottlieb, M. C., & Younggren, J. (2009). Is there a slippery slope? Considerations regarding multiple relationships and risk management. *Professional Psychology: Research and Practice*, 40(6), 564 - 571.
- Hartl, T.L., Zeiss, R.A., Marino, C.M., Zeiss, A.M., Regev, L.G., & Leontis, C. (2007). Clients' sexually inappropriate behaviors directed towards clinicians: Conceptualization and management. *Professional Psychology: Research and Practice*, 38,674 – 681.

WEEK 8 (10/27): Privacy, Confidentiality, and Privilege (continued in Topics 9, 10 & 11)

****Mid-Semester course evaluation to be returned**

- Nagy: Ch. 6 (pp. 105-126) (Privacy and confidentiality)
- M&W: Ch. 4 (pp. 70-80) (Confidentiality and privileged communication: *In re Lifschultz* (1970), *Caesar v. Mountanos* (1976), *State v. Szemple* (1994), *Jaffe v. Redmond* (1996))
- Fisher, M.A. (2008). Protecting confidentiality rights: The need for an ethical practice model. *American Psychologist*, 63 (1), 1-13.
- Fisher, M.A. (2013). *The ethics of conditional confidentiality*. New York, NY: Oxford University Press. [Appendix III only: Examples of laws affecting confidentiality (pp. 215-233)]

Optional:

- Feierman, J., Lieberman, D., Schissel, A., Diller, R., Kim, J., & Chu, Y. (2009). *Teenagers, health care and the law: a guide to the law on minors' rights in New York State*. New York, NY: New York Civil Liberties Union (NYCLU) Reproductive Rights Project. Retrieved September 2, 2015 from <http://www.nyclu.org/files/thl.pdf>

WEEK 9 (11/3): Federal & NY State Laws and Regulations: HIPAA, Record Keeping & Mental Health Parity Act

- Pope, K. S. (2015). Record-keeping controversies: Ethical, legal, and clinical challenges. *Canadian Psychology/Psychologie canadienne*, 56(3), 348-356.
- American Psychological Association Practice Organization. (2013). HIPAA privacy rule: A primer for psychologists. Retrieved September 2, 2015 from <http://www.apapracticecentral.org/business/hipaa/hippa-privacy-primer.pdf>
- American Psychological Association Practice Organization. (2005). HIPAA security rule primer. Retrieved September 2, 2015 from <http://www.apapracticecentral.org/business/hipaa/security-rule.pdf>
- New York State Office of Mental Health. (2012). HIPAA Privacy Rules for the Protection of Health and Mental Health Information. Retrieved September 2, 2015 from https://www.omh.ny.gov/omhweb/hipaa/phi_protection.html
- American Psychological Association. (2007). Record keeping guidelines. Washington, DC: Author.
- New York State Education Department, Office of the Professions. (2009). Recordkeeping guidelines for psychologists. Retrieved September 2, 2015 from <http://www.op.nysed.gov/prof/psych/psychrecguide.htm>
- Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA): http://parityispersonal.org/Federal_Resources

Optional:

- Gudeman, R. (2003). Adolescent confidentiality and privacy under the Health Insurance Portability and Accountability Act. Retrieved September 2, 2015 from http://www.teenhealthlaw.org/fileadmin/teenhealth/teenhealthrights/yln/03_yln_3_gudeman_confidentiality.pdf
- U.S. Department of Health and Human Services Office for Civil Rights. (2014). HIPAA and same-sex marriage: Understanding spouse, family member, and marriage in the privacy rule. Retrieved September 2, 2015 from <http://www.hhs.gov/ocr/privacy/hipaa/understanding/special/samesexmarriage/index.html>
- Legal Action Center (2012). New York State's HIV confidentiality law and the federal Health Insurance Portability and Accountability Act (HIPAA): A summary for HIV/AIDS providers. Retrieved on September 2, 2015 from http://www.lac.org/doc_library/lac/publications/HIPAA_and_Art_27F_Summary.pdf
- New York State Mental Health Parity: Timothy's Law: <http://www.timothyslaw.org>

**WEEK 10 (11/10): Duty to Protect and Mandated Reporting: Child & Elder Abuse
ASSIGNMENT #3 (MANDATED REPORTER TRAINING) DUE**

- **M&W:** Ch. 21 (pp. 334-348) (Child abuse: *People v. Jackson* (1971), *Landeros v. Flood* (1976), *Deshaney v. Winnebago County* (1989), *State v. Huss* (1993))
- Brown, E. J., & Khan, S.A. (2003). Child abuse and neglect: Definitions, consequences, and treatment. *Child Study Center Letter*, 7, 1-6.
- Welfel, E.R., Danzinger, P.R., & Santoro, S. (2000). A primer on elder maltreatment for counselors: Legal and professional responsibilities. *Journal of Counseling & Development*, 78, 284-292.
- Zeranski, L., Halgin, R. P. (2011). Ethical issues in elder abuse reporting: A professional psychologist's guide. *Professional Psychology: Research and Practice*, 42(4), 294-300.

Optional:

- Weinstein, B., Levine, M., Kogan, N., Harkavy-Friedman, J.M., Miller, J.M. (2001). Therapist reporting of suspected child abuse and maltreatment: Factors associated with outcome. *American Journal of Psychotherapy*, 55(2), 219-233.
- Kalichman, S.C., Craig, M.E., Follingstad, D.R. (1990). Professionals' adherence to mandatory child abuse reporting laws: Effects of responsibility attribution, confidence ratings, and situational factors. *Child Abuse & Neglect*, 14(1), 69-77.

WEEK 11 (11/17): Duty to Warn, NYS Mental Hygiene Law, NYS SAFE Act, NYS Kendra's Law, NYS Inpatient Psychiatric Rights

Guest Speaker: Carolyn Reinach Wolf, Esq.

Ms. Wolf is Executive Partner in the law firm of Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP and Director of the Firm's Mental Health Law practice in New York.

- **M&W:** Ch. 5 (pp. 81-90) (Duty to warn and protect: *Tarasoff v. the Regents of the University of California* (1976), *Almonte v. New York Medical College* (1994), *Garner v. Stone* (1973))
- National Conference of State Legislatures (2013). Mental health professionals' duty to protect/warn. Retrieved on September 2, 2015 from <http://www.ncsl.org/research/health/mental-health-professionals-duty-to-warn.aspx>
- New York State Office of Mental Health (2013). New York SAFE Act: Introduction for mental health providers. Retrieved on September 2, 2015 from https://www.omh.ny.gov/omhweb/safe_act/nysafe.pdf
- New York State Office of Mental Health (2012). Kendra's law. Retrieved on September 2, 2015 from http://www.omh.ny.gov/omhweb/Kendra_web/KHome.htm

- New York State Office of Mental Health (2012). Rights of inpatients in New York State office of mental health psychiatric centers. Retrieved on September 2, 2015 from https://www.omh.ny.gov/omhweb/patientrights/inpatient_rts.htm

Optional:

- Alghazo, R., Upton, T.D., Cioe, N. (2011). Duty to warn versus duty to protect confidentiality: Ethical and legal considerations relative to individuals with AIDS/HIV. *Journal of Applied Rehabilitation Counseling* 42(1), 43-49.
- Buckner, F., Firestone, M. (2000). "Where the public peril begins": 25 years after Tarasoff. *Journal of Legal Medicine*, 21(2), 187-222.

PART III: PROFESSIONAL STANDARDS/GUIDELINES/CODES

WEEK 12 (11/24): Professional Standards/Guidelines/Codes (Part I)

ASSIGNMENT #4 DUE – First half of the class will present

- Office of Ethnic Minority Affairs, American Psychological Association. (1993). Guidelines for providers of psychological services to ethnic, linguistic, and culturally diverse populations. *American Psychologist*, 48(1) 45-48.

Examples of standards/guidelines/codes for presentations:

- American Psychological Association. (2007). Guidelines for psychological practice with girls and women: A joint task force of APA divisions 17 and 35. Washington, DC: Author.
- American Psychological Association, Div 44/Committee on Lesbian, Gay, & Bisexual Concerns Task Force. (2000). Guidelines for psychotherapy with lesbian, gay, and bisexual clients. *American Psychologist*, 55(12), 1440-1451.
- American Psychological Association. (2004). Guidelines for psychological practice with older adults. *American Psychologist*, 59(4), 236-260.
- American Group Psychotherapy Association. (2007). Practice guidelines for group psychotherapy. New York: Author.
- American Psychoanalytic Association. (2007). Principles and standards of ethics for psychoanalysts. New York: Author.
- American Association for Marriage and Family Therapy. (2012). Code of ethics. Alexandria, VA: Author.
- American Psychological Association. (2000). Report from APA working group on assisted suicide and end-of-life decisions. Washington, DC: Author. [concentrate on section 3: Examine the role of psychology in end-of-life decisions and quality of care issues]

WEEK 13 (12/1): Professional Standards/Guidelines/Codes (Part II) (Cont'd)

ASSIGNMENT #4 DUE – Second half of the class will present

PART IV: INSTITUTIONAL/ORGANIZATIONAL GUIDELINES

WEEK 14 (12/8): Institutional/Organizational Guidelines

ASSIGNMENT #5 DUE

- APA Ethics Code, Standard 1.03 (Conflicts between ethics and organizational demands)
- Kennedy, C.H. (2012). Institutional ethical conflicts with illustrations from police and military psychology. In S.J. Knapp (Ed.), *APA handbook of ethics in psychology, Vol 1: Moral foundations and common themes* (pp. 123-144). Washington, DC: American Psychological Association.
- Dean Hope Center for Educational and Psychological Services (**DHCEPS**) (2014). *Handbook of policies and procedures*. New York, NY: Author.
- Complaint: *Dr. Gabriella Johr v. Metschools, Inc. and Claremont Preparatory School, LLC* (2009)

PART V: EMERGING ISSUE: TECHNOLOGY IN PSYCHOLOGY

WEEK 15 (12/15): Emerging Issue - Use of Technology in Psychology: Ethical & Legal Dimensions (telepsychology, social media, etc.)

ASSIGNMENT #5 REVISIONS DUE

- Koocher, G.P. (2007). Twenty-first century ethical challenges for psychology. *American Psychologist, 62*(5), 375-384.
- **P&V:** Ch. 5 (pp.41-57) (Therapy in the digital world: The ethical challenges of the new technologies)
- American Psychological Association. (2013). Guidelines for the practice of telepsychology. *American Psychologist, 68*(9), 791-800.
- Kaslow, F.W., Patterson, T., Gottlieb, M. (2011). Ethical dilemmas in psychologists accessing Internet data: Is it justified? *Professional Psychology: Research and Practice, 42*(2), 105-112.
- Telepractice Guideline issued by the New York State Office of the Professions (2011): <http://www.op.nysed.gov/prof/psych/psychtelepracticeguide.htm>
- Komes, K. (2014). My Private Practice Social Media Policy. Retrieved September 2, 2015 from <http://www.drkkolmes.com>

Optional:

- Haberstroh, S., Barney, L., Foster, N. & Duffey, T. (2014). The ethical and legal practice of online counseling and psychotherapy: A review of mental health professions. *Journal of Technology in Human Services, 32*(3), 149-157.
- Lehavot, K., Barnett, J. E., & Powers, D. (2010). Psychotherapy, professional relationships, and ethical considerations in the myspace generation. *Professional Psychology: Research and Practice, 41*(2), 160-166.

OPTIONAL OPPORTUNITY: GRADUATE STUDENT ETHICS PRIZE

The APA Ethics Committee and the American Psychological Association of Graduate Students APAGS offer an annual prize for a graduate student paper on psychology and ethics. The deadline is Jan. 8, 2016 but you may apply in future years as a trainee. For more info.:

<http://apa.org/about/awards/ethics-grad.aspx>

BEST PRACTICES FOR TEACHING ETHICS

- Bashe, A., Anderson, S. K., Handelsman, M. M., & Klevansky, R. (2007). An acculturation model for ethics training: The ethics autobiography and beyond. *Professional Psychology: Research and Practice, 38*, 60–67.
- Behnke, S. (2005). Reflecting on how we teach ethics. *Monitor, 26*(9), 64.
- de las Fuentes, C., Willmuth, M.E., Yarrow, C. (2005). Competency training in ethics education and practice. *Professional Psychology: Research and Practice, 36*(4), 362-366.
- Handelsman, M. M. (1986). Problems with ethics training by “osmosis”. *Professional Psychology: Research and Practice, 17*, 371-372.
- Hansen, N.D., Goldberg, S.G. (1999). Navigating the nuances: A matrix of considerations for ethical-legal dilemmas. *Professional Psychology: Research and Practice, 30*(5), 495-503.
- Knapp, S. & Vandecreek, L. (2004). Using case law to teach professional ethics. *Teaching of Psychology, 31*(4), 281-284.
- McCarron, M. C., & Stewart, D. W. (2011). A Canadian perspective on using vignettes to teach ethics in psychology. *Canadian Psychology/Psychologie canadienne, 52*(3), 185-191.
- Welfel, E.R. (2012). Teaching ethics: Models, methods, and challenges. In S.J. Knapp (Ed.), *APA handbook of ethics in psychology, Vol 2: Practice, teaching, and research.* (pp. 277-305). Washington, DC: American Psychological Association.

RECOMMENDED ARTICLES & BOOKS

- Anderson, S. K., & Handelsman, M. M. (2010). *Ethics for psychotherapists and counselors: A proactive approach*. Malden, MA: Wiley-Blackwell.
- Barnett, J. E., & Johnson, W. B. (2009). *Ethics desk reference for psychologists*. Washington, DC: American Psychological Association.
- Behnke, S.H. (2011). The wink: Ethical aspects of encountering patients in unexpected places. In W. B. Johnson & G. P. Koocher (Eds.), *Ethical conundrums, quandaries, and predicaments in mental health practice: A casebook from the files of experts* (pp. 261-268), New York, NY: Oxford University Press.
- Behnke, S. H., Perlin, M., & Bernstein, M. (2003). *The essentials of New York mental health law: A straightforward guide for clinicians of all disciplines*. New York, NY: Norton.
- Bersoff, D. N. (Ed.). (2007). *Ethical conflicts in psychology* (4th ed). Washington, DC: American Psychological Association.
- Bush, S. S., Connell, M. A., & Denney, R. L. (2006). *Ethical practice in forensic psychology: A systematic model for decision making*. Washington, DC: American Psychological Association.
- Campbell, L., Vasquez, M. J. T., Behnke, S., & Kinscherff, R. (2010). *APA Ethics Code commentary and case illustrations*. Washington, DC: American Psychological Association.
- Davis, D. D., & Younggren, J. (2009). Ethical competence in psychotherapy termination. *Professional Psychology: Research and Practice, 40*(6), 572-578.
- Drogin, E. Y., Connell, M., Foote, W. E., & Sturm, C. A. (2010). The American Psychological Association's revised "record keeping guidelines": Implications for the practitioner. *Professional Psychology: Research and Practice, 41*(3), 236-243.
- Fisher, C. B. (2003). *Decoding the ethics code: A practical guide for psychologists*. Thousand Oaks, CA: Sage.
- Ferguson, K. E., & O'Donohue, W. T., (2003). *Handbook of professional ethics for psychologists*. Thousand Oaks, CA: Sage.
- Francis, R. D. (2009). *Ethics for psychologists*. New York, NY: Wiley-Blackwell.
- Gottlieb, M. C. (2006). A template for peer ethics consultation. *Ethics & Behavior, 16*(2), 151-162.
- Kennedy, P. F., Vandehey, M., Norman, W. B., & Diekhoff, G. M. (2003). Recommendations for risk-management processes. *Professional Psychology: Research and Practice, 34*, 309-311.
- Kessler, L. E., & Waehler, A. (2005). Addressing multiple relationships between clients and therapists in lesbian, gay, bisexual, and transgender communities. *Professional Psychology: Research and Practice, 36*(1), 66-72.
- Kitchener, K. S., & Anderson, S. K. (2011). *Foundations of ethical practice, research, and teaching in psychology*. (2nd ed.). Mahwah, NJ: Erlbaum.
- Knapp, S., & VandeCreek, L. (2003). *A guide to the 2002 revision of the American Psychological Association's Ethics Code*. Sarasota, FL: Professional Resource Press.
- Knapp, S., & VandeCreek, L. (2006). *Practical ethics for psychologists: A positive approach*. Washington, DC: American Psychological Association.
- Koocher, G. P., & Keith-Spiegel, P. S. (2008). *Ethics in psychology and the mental health professions: Standards and cases* (3rd ed.). New York, NY: Oxford University Press.
- Mitrevski, J. P., & Chamberlain, R. (2006). Psychotherapist-patient privilege: Applying Jaffee v. Redmond: Communications to a psychotherapist are not privileged if they occur outside the course of diagnosis or treatment. *Journal of the American Academy of Psychiatry and the Law, 34*(2), 245-246.
- Moleski, S. M., & Kiselica, M. S. (2005). Dual relationships: A continuum ranging from the destructive to the therapeutic. *Journal of Counseling and Development, 83*, 3-11.
- Phelan, J. E. (2007). Membership expulsions for ethical violations from major counseling, psychology, and social work organizations in the United States: A 10-year analysis. *Psychological Reports, 101*(1), 145-152.

- Rest, J. R. (1983). Morality. In P. H. Mussen (Series Ed.), J. Flavell, & E. Markman (Vol. Eds.), *Handbook of child psychology: Vol. 3. Cognitive development* (4th ed., pp. 556–629). New York, NY: Wiley.
- Rest, J. R. (1984). Research on moral development: Implications for training counseling psychologists. *The Counseling Psychologist*, 12, 19–29.
- Sales, B. D., & Folkman, S. (2000). *Ethics in research with human participants*. Washington, DC: American Psychological Association.
- Schank, J. A., & Skovholt, T. M. (2006). *Ethical practice in small communities: Challenges and rewards for psychologists*. Washington, DC: American Psychological Association.
- Sommers-Flanagan, R., & Sommers-Flanagan, J. (2007). *Becoming an ethical helping professional: Cultural and philosophical foundations*. New York, NY: Wiley.
- Truscott, D., & Crook K. H. (2004). *Ethics for the practice of psychology in Canada*. Edmonton, Alberta, Canada: University of Alberta Press.
- Welfel, E. R. (2010). *Ethics in counseling and psychotherapy: Standards, research, and emerging issues* (4th ed.). Belmont, CA: Cengage.
- Werth, J. L., Welfel, E.R., Benjamin, G.A.H.. (Eds). (2009). *The duty to protect: Ethical, legal, and professional considerations in risk assessment and intervention*. Washington, DC: American Psychological Association Press.
- Zakrzewski, R. F. (2006). A national survey of American Psychological Association student affiliates' involvement and ethical training in psychology educator-student sexual relationships. *Professional Psychology: Research and Practice*, 37(6), 724-730.
- Zur, O., Williams, M. H., Lehavot, K., , & Knapp, S. (2009). Psychotherapist self-disclosure and transparency in the Internet age. *Professional Psychology: Research and Practice*, 40(1), 22-30.

TEACHERS COLLEGE POLICIES

Students with disabilities:

The College will make reasonable accommodations for persons with documented disabilities. Students are encouraged to contact the Office of Access and Services for Individuals with Disabilities for information about registration (166 Thorndike Hall). Services are available only to students who are registered and submit appropriate documentation. As your instructor, I am happy to discuss specific needs with you as well.

Incomplete:

The grade of Incomplete will be assigned only when the course attendance requirement has been met but, for reasons satisfactory to the instructor, the granting of a final grade has been postponed because certain course assignments are outstanding. If the outstanding assignments are completed within one calendar year from the date of the close of term in which the grade of Incomplete was received and a final grade submitted, the final grade will be recorded on the permanent transcript, replacing the grade of Incomplete, with a transcript notation indicating the date that the grade of Incomplete was replaced by a final grade. If the outstanding work is not completed within one calendar year from the date of the close of term in which the grade of Incomplete was received, the grade will remain as a permanent Incomplete on the transcript. In such instances, if the course is a required course or part of an approved program of study, students will be required to re-enroll in the course including repayment of all tuition and fee charges for the new registration and satisfactorily complete all course requirements. If the required course is not offered in subsequent terms, the student should speak with the faculty advisor or Program Coordinator about their options for fulfilling the degree requirement. Doctoral students with six or more credits with grades of Incomplete included on their program of study will not be allowed to sit for the certification exam.

Columbia email/UNI:

Teachers College students have the responsibility for activating the Columbia University Network ID (UNI) and a free TC Gmail account. As official communications from the College –

e.g., information on graduation, announcements of closing due to severe storm, flu epidemic, transportation disruption, etc. -- will be sent to the student's TC Gmail account, students are responsible for either reading email there, or, for utilizing the mail forwarding option to forward mail from their account to an email address which they will monitor.

Religion:

It is the policy of Teachers College to respect its members' observance of their major religious holidays. Students should notify instructors at the beginning of the semester about their wishes to observe holidays on days when class sessions are scheduled. Where academic scheduling conflicts prove unavoidable, no student will be penalized for absence due to religious reasons, and alternative means will be sought for satisfying the academic requirements involved. If a suitable arrangement cannot be worked out between the student and the instructor, students and instructors should consult the appropriate department chair or director. If an additional appeal is needed, it may be taken to the Provost.

Academic Integrity:

Students who intentionally submit work either not their own or without clear attribution to the original source, fabricate data or other information, engage in cheating, or misrepresentation of academic records may be subject to charges. Sanctions may include dismissal from the college for violation of the TC principles of academic and professional integrity fundamental to the purpose of the College.