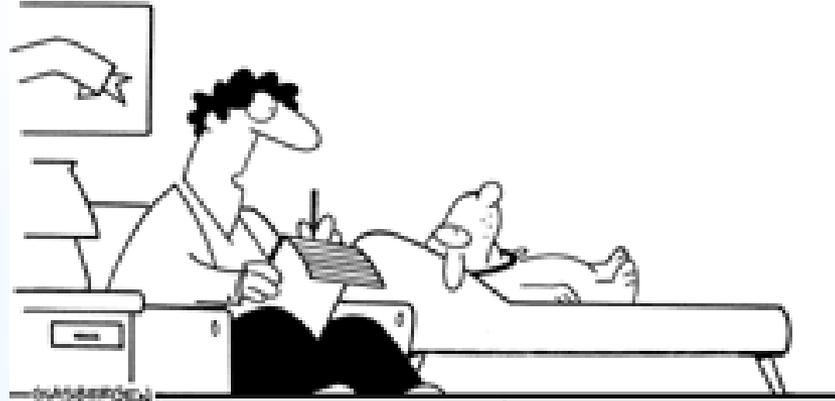


* Is that Psychologist
Unethical or Just
Annoying?





**“In one way or another, we’re all
confined by invisible fencing.”**

Copyright 2004 by Randy Glasbergen
www.glasbergen.com

* Ethical Guidelines

- * Established with Chapter 455
- * With 455.08 - Reasonable code of ethics governing the professional conduct of psychologists
- * Modeled after the APA Ethical Standards for Psychologists
- * Intent - limit psychologists to practicing in areas they are qualified to practice.

* Wisconsin Psychology Examining Board

* Chapter Psy 5

* 34 specific defined types of conduct that are prohibited by the Board

* Several of these could relate to the Chapter 980 process

* **Code of Conduct**

(6) “Gross negligence in the practice of psychology” means

the performance of professional services that do not comply with an accepted standard of practice that has a significant relationship to the protection of the health, safety or welfare of patient or public, and that are performed in a manner indicating that the licensee knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.

*Psy 1.02

- * A guy asked a girl in a library; "Do you mind if I sit beside you". The girl answered with a loud voice I DON'T WANT TO SPEND THE NIGHT WITH YOUUU!!!". All the students in the library started staring at the guy and he was embarrassed.
- * After a couple of minutes, the girl walked quietly to the guy's table and she told him "I study psychology and I know what a man is thinking, I guess you felt embarrassed right?"
- * The guy with a loud voice said "5000 dollars JUST FOR ONE NIGHT ??? THAT'S TOO MUCH!!! and all the people in the library looked at the girl in shock and the guy whispered in her ears "I study law and I know how to make someone feel guilty.

* Still with me?

- * 1952 - First code of Ethics
- * 1992, 2002, revision 2010 (Leso)

- * 1.02 and 1.03 (biggest change in 2010)

Under no circumstances may this standard be used to justify or defend violating human rights.

* American Psychological
Association

- “plays into the hands of ...the crooked operator [who] reads the code to see how much he can get away with, and since any code is bound to be filled with ambiguities and omissions, he can rationalize his unethical conduct by pointing to the code and saying ‘see it doesn’t tell me I can’t do this....I can interpret this to mean what I want it to mean.’”

* Calvin Hall

* Always one in the
Crowd

*The development of a dynamic set of ethical standards for psychologists' work-related conduct requires a personal commitment and lifelong effort to act ethically; to encourage ethical behavior by students, supervisees, employees and colleagues; and to consult with others concerning ethical problems.

*Preamble of APA
EPPCC

- * Beneficence and Nonmaleficence
- * Fidelity and responsibility
- * Integrity
- * Justice
- * Respect for People's Rights and Dignity

* Principles of APA Ethics Code

- * Resolving Ethical Issues
- * Competence
- * Human Relations
- * Privacy and Confidentiality
- * Advertising and Other Public Statements
- * Record Keeping and Fees
- * Education and Training
- * Research and Publication
- * Assessment
- * Therapy

* Standards of the EPPCC



"We consult those with whom we agree,
which is why I rarely consult my conscience."

- * Responsibilities
- * Competence
- * Diligence
- * Relationship
- * Fees
- * Informed Consent, Notification and Assent
- * Conflicts in Practice
- * Privacy, Confidentiality and Privilege
- * Methods and Procedures
- * Assessment
- * Professional and Other Public Communications

* Specialty Guidelines for Forensic Psychologists

* Defined as the conduct of a reasonably prudent forensic practitioner engaged in similar activities in similar circumstances. Professional conduct evolves and may be viewed along a continuum of adequacy, and “minimally competent” and “best possible” are usually different points along that continuum.

* **SGFP - Competent
Practice**

- * **1.04 Informal Resolution of Ethical Violations**
When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards [1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority](#), and [1.03, Conflicts Between Ethics and Organizational Demands](#).)

* **Not Just Annoying**

* 1.05 Reporting Ethical Violations

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation...

* EPPCC 1.05

*Such action might include referral to state or national committees on professional ethics, to state licensing boards or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

* 1.05

- * Excessive or inappropriate disclosure
- * Business relationship with patients
- * Using techniques without proper training
- * Using incorrect diagnosis deliberately
- * Avoiding the medical model
- * The true love exception to sexual relationship
- * Inadequate notes
- * Failure to obtain adequate history

* Common Ethical Errors by Psychologists

- * Uncritically accepting what a patient says
- * Use of inappropriate syndrome testimony
- * Out of the office contact
- * Failure to obtain peer consultation

* **Malpractice & Licensing Pitfalls for Therapists: A
Defense Attorney's List**

* **Brandt Caudill, Jr., Esq.**

* **Attorney's
experience**

- * Ignorance of specialized psycholegal knowledge.
- * Advocacy for a client or advocacy for a particular agenda as opposed to remaining neutral and objective.
- * Lack of specialized forensic training.
- * Assuming that the attorney will provide the expert with the necessary legal, ethical, and professional information.
- * Assuming that different jurisdictions are similar in laws and how the laws are implemented.

* Weissman and DeBow
(2003)

- * Not appreciating the different levels for the burden of proof between the disciplines and within the legal system.
- * Economic concerns - psychologists are prohibited from working on a contingency-fee basis and may feel that their services will not be used if they do not perform as the hiring attorney requests.
- * Entering into multiple relationships, such as expert witness and consultant or expert witness and therapist.
- * Failure to understand the unique issues associated with confidentiality and privilege communications in forensic work. Failure to appreciate the unique role assessment plays in forensic settings and using inappropriate tests.
- * Inadequate documentation and failing to recognize the need for meticulous notes.
- * Failure to use all appropriate sources of information expected in a forensic evaluation, such as interviews with third parties.

- * Assessments
- * Biases, attitudes, or beliefs
- * Current in the literature
- * Fees/Billing Arrangements
- * Dual Relationships
- * Impartiality and Fairness

* Ethical Practices Regarding Chapter 980

* 9.08 Obsolete Tests and Outdated Test Results

(a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

* (b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose

* Assessments

* Outdated for the Current Purpose

Once current purpose is determined psychologists decide to use existing data or to conduct additional assessment

Certain questions that psychologists can ask themselves

*** Outdated**

Not determined by
recency of test
development but by the
application of the test
to the current purpose.

***Obsolete**

* 2.07 Considering the Impact of Personal Beliefs and Experience

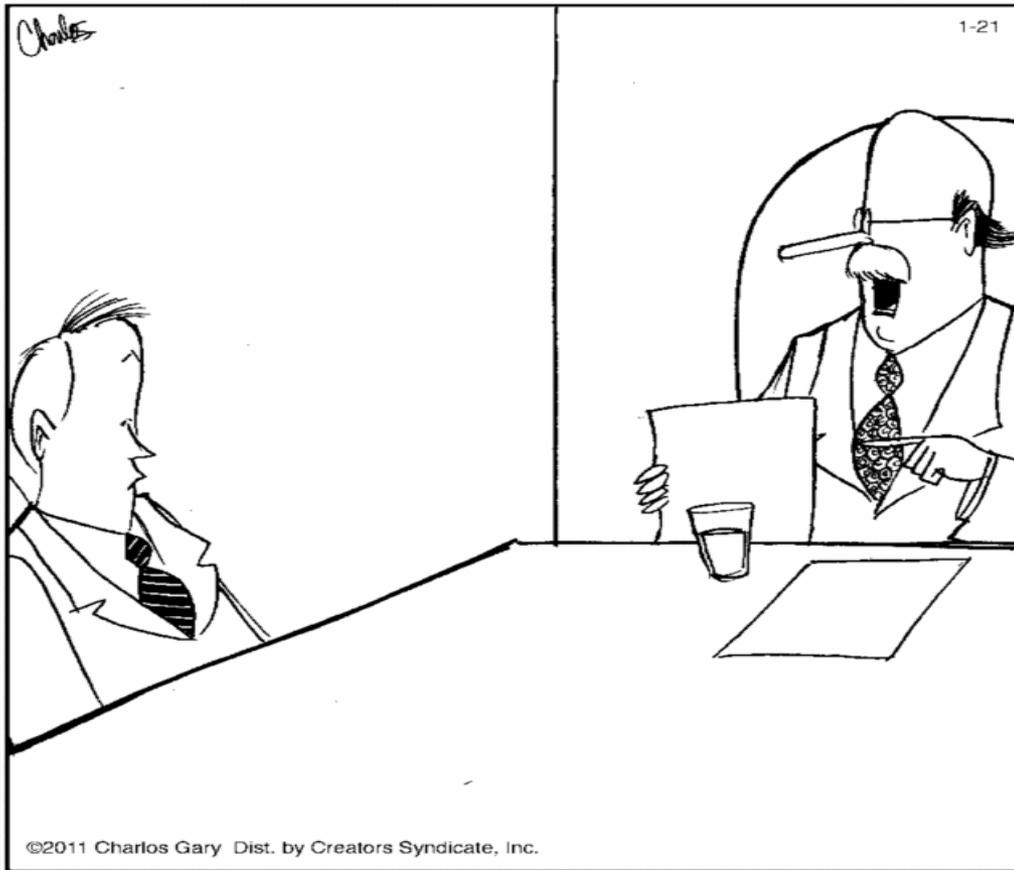
- * Forensic practitioners recognize that their own cultures, attitudes, values, beliefs, opinions, or biases may affect their ability to practice in a competent and impartial manner. When such factors may diminish their ability to practice in a competent and impartial manner, forensic practitioners may take steps to correct or limit such effects, decline participation in the matter, or limit their participation in a manner that is consistent with professional obligations.



* 11.05 Commenting Upon Other Professionals and Participants in Legal Proceedings

- * When evaluating or commenting upon the work or qualifications of other professionals involved in legal proceedings, forensic practitioners seek to represent their disagreements in a professional and respectful tone, and base them on a fair examination of the data, theories, standards and opinions of the other expert or party.





“All of these postgraduate degrees don’t impress me at all. What I really need is a good liar. Can you do that?”

*** IS THERE A REQUIREMENT
FOR ME AS A CREDENTIALLED
PROFESSIONAL (Psychologist)
TO REPORT UNPROFESSIONAL
CONDUCT BY ANOTHER
MEMBER OF MY OWN
PROFESSION?**

*** Question**

*No. Child abuse must be reported, and the reporting of sexual abuse by a therapist must be discussed with the victim, but mandatory reporting of unprofessional conduct has not been added to the Code of Professional Conduct.

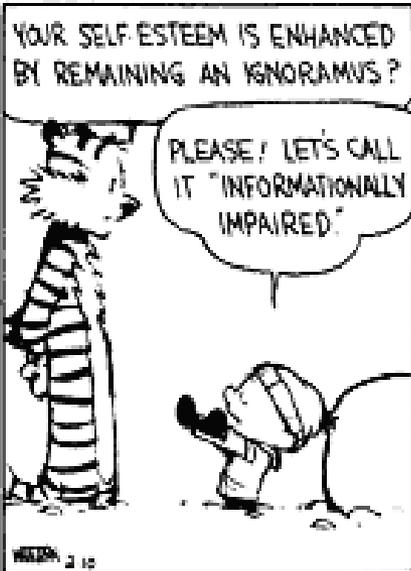
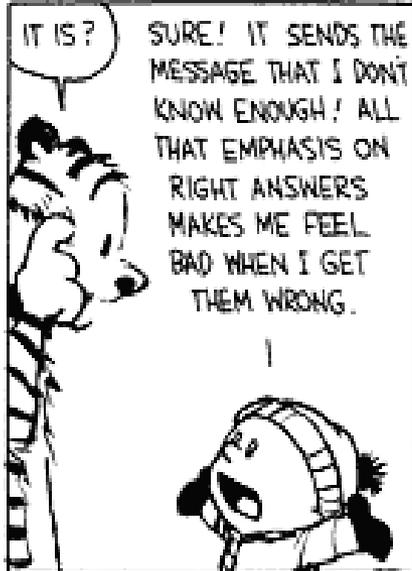
*Answer

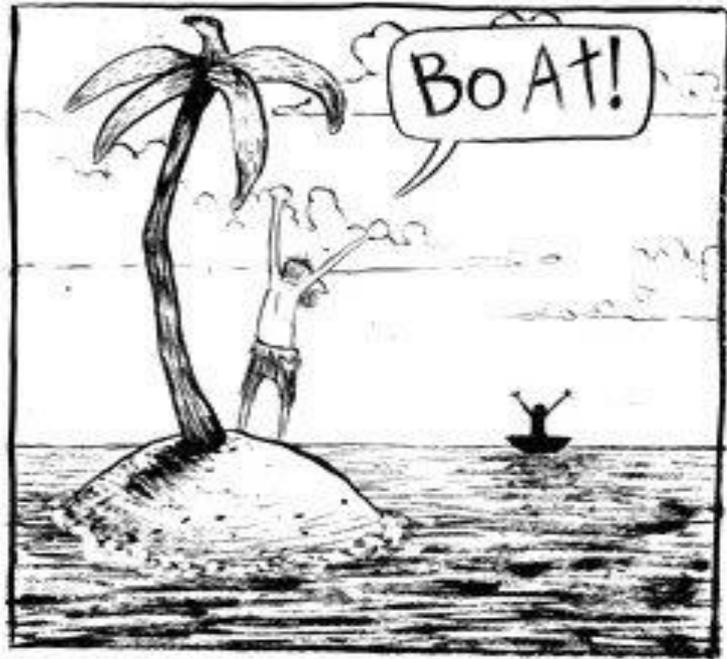
* encourages people to report unprofessional conduct by a grant of civil immunity (“any person who in good faith ... provides the department or any examining board ... with advice or information on a matter relating to the regulation of a person holding a credential is immune from civil liability”) but a credential-holder is not subject to disciplinary action for failing to report unprofessional conduct by another.

* 440.042 (2)

Consult, consult,
consult

*Best Advice for
Psychologists





* Perspective