

Ethics in a Post Pandemic Era

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IBC C.A.R.E. Conference

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Welcome

- Thank you.
- Plan for the evening – break at 90 min.
- Glad we are together vs remote as I would like this to be somewhat interactive but....I have a lot to cover in a short period of time.
- I have always valued the diversity of job duties, professional licensure, work settings, perspectives, experiences when I do these workshops as ALL OF US, come from different places, however ETHICS are ETHICS and there is usually commonality amongst the ethical codes.

Welcome

- I am NOT an expert in ethics. As part of my job at BHGMHC, I deal with ethical issues and situations every day, I have been facilitating these workshops for probably over 20 years, I read a lot of ethics related information, attend workshops myself BUT....if you want to hear the expert, go listen to Fredric Reamer, the guru of SW ethics.
- My job today, as I have said when I started facilitating these workshops 20 plus years ago is TO MAKE YOU THINK (twice) about the ethic issues that impact the field of working with others so that you can be aware of some of these issues and potential problems and to prepare you IF any of these issues and/or problems arise in your work.

Welcome

- Some of the content presented may be more relevant to some of you than others. If some of you never experience some of the ethical situations presented, count yourself lucky but again, awareness if they do arise is invaluable.
- So let's get started.

Who am I?

- How I came to be a SW?
- Education
- Employment
- Experience with ethics

Disclaimer

I am a licensed independent social worker in the State of Iowa and a member of the National Association of Social Workers. I have spent my career in mental health. As a result, my “bias” or “orientation” is from the field of social work/mental health. Most of my examples comes from my experiences over that career to date. Those who are licensed or certified in professions other than SW need to be aware of your own licensure/certification laws and rules as well as your own ethical codes. As stated earlier, MOST ethical codes I have read are fairly comparable but there are some differences that you need to be aware of.

Audience Participation

- LBSW's
 - LMSW's
 - LISW's
 - tLMHC's
 - LMHC's
 - tLMFT's
 - LMFT's
 - Nurses
 - Psychologists
- * Certified SA professionals
 - * Certified Criminal Justice Professionals
 - * Certified Gambling Treatment Counselors
 - * Certified Peer Support Specialists
 - * Certified Prevention Specialists
 - * Other certified or licensed folks
 - * Not licensed

Experience and Work Settings of Audience

Experience

Less than 3 years

3-5 years

5-10 years

10-20 years

20-30 years

30 years plus

Work Settings

- Academia
 - Hospitals
 - Substance Use
 - Long term care
 - Child welfare
 - Crisis Response
 - Others
- * Mental Health
 - * Criminal justice
 - * Stand alone peer support
 - * Hospice
 - * State employment
 - * CCBHC's

Memberships

- National Association of Social Workers
- American Association of Marriage and Family Therapists
- American Counseling Association
- American Nurses Association
- Iowa Psychological Association/American Psychological Association
- Association for Addiction Professionals
- National Association of Peer Support Specialists
- Others

Last Question

How many of you are attending your first ethics workshop today post licensure or certification?

Background First

- Before I get to the issues and problems that relate to the title of this workshop, I need to set the stage for that. Some of the following may be a bit dry (boring) BUT it is absolutely essential that you have a strong understanding and foundation of ethics, rules, laws, standards, etc. in order to be prepared for potential ethical issues or problems you may encounter in the work that you do.

Why Ethics Every 2 years?

- Marketing research says we have to hear things 7x before incorporating it or taking action on it.
- Do ethics ever change? As you will hear today, it does.
- Ethical decision making is a process that needs to be practiced in order to remember, understand and use it.
- Disciplinary actions by various boards and certifying organizations can help us learn and understand how to avoid problems.

Ethics



Briefly - What are ethics?

- “Standards that are used by members of a professional to determine the right course of action”.
- “Moral principles that govern a person’s behavior or the conducting of an activity”.
- “A set of moral principles, especially ones relating to or affirming a specified group, field or form of conduct”
- “We founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness or specific virtues”

Important

- When an individual elects to become a member of a profession, they are agreeing to comply with the standards of that profession.
- Court cases have supported the “profession’s” right to expect its members to adhere to those professional values and ethics.

Court Cases

- <https://ct.counseling.org/2013/01/resolution-of-emu-case-confirms-aca-code-of-ethics-counseling-professions-stance-against-client-discrimination/>
- <https://campus-speech.law.duke.edu/campus-speech-incidents/keeton-v-anderson-wiley/>
- <https://www.baptistpress.com/resource-library/news/student-expelled-for-views-on-homosexuality/>

Court Cases

- <https://www.communitycare.co.uk/2017/11/01/social-work-student-expelled-calling-homosexuality-sin-facebook-posts-loses-court-appeal/>

The take away, you cannot assert your own values, beliefs, morals, opinions, etc. into the work you do as a member of a profession without potentially getting into an ethical dilemma with your chosen profession. For example – death penalty, rowe vs wade, the right to die, LGBTQIA, etc.

Ethical Dilemma



Ethical Dilemma

- Are different than difficult situations.
- “Ethical or moral dilemma is one in which there is a choice to be made between two (or more) options, neither of which resolves the situation in an ethically acceptable fashion”
- “A conflict between two morally correct course of action. There is a conflict between values or principles. The dilemma is that you would be doing something right and wrong at the same time and by taking one right course, you will negate the other right course”

Karen Allen, PhD. LMSW

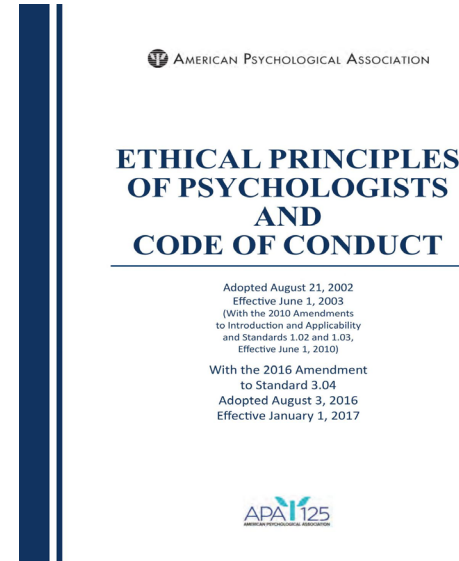
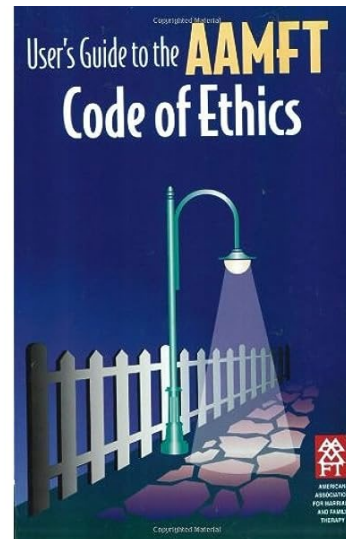
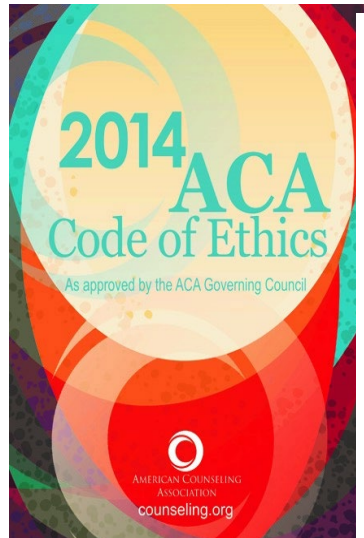
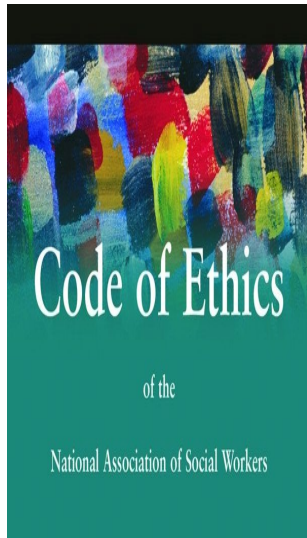
Three conditions must be present to be considered an ethical dilemma:

1. A decision about a course of action needs to be made.
2. There are different courses of action to choose from.
3. No matter which course is taken, some ethical principle is compromised.

Examples

- Confidentiality and duty to warn
- Dual relationships
- Patients refusing care – right to self determination
- Confidentiality involving minors
- Differences in personal values

Codes of Ethics



Other Resources

- National Practice Guidelines for Peer Support Specialists - <https://www.peersupportworks.org/wp-content/uploads/2021/07/National-Practice-Guidelines-for-Peer-Specialists-and-Supervisors-1.pdf>
- The Association for Addiction Professionals - <https://www.peersupportworks.org/wp-content/uploads/2021/07/National-Practice-Guidelines-for-Peer-Specialists-and-Supervisors-1.pdf>

Other Resources

- Compulsive Gambling Specialists - https://cdn.ymaws.com/www.tcbap.org/resource/resmgr/Certifications/Code_of_Ethics/CCGC_Code_of_Ethics.pdf

Suggestion

- If you do not have a copy of your professions code of ethics, GET ONE, READ IT, USE IT.
- From my perspective, it is not acceptable for a member of a profession, licensed, certified, etc. without knowing the laws, rules, ethical standards, etc. of that profession. I don't want anyone to say, if ever faced with an ethical complaint, "I didn't know that".

NASW Assertion

Asserts that “The Code of Ethics is relevant to ALL social workers and social work students regardless of their professional functions, the setting in which they work or the populations they serve”.

They also state, “ethical decision making in a given situation must apply the informed judgement of the individual social worker and should also consider how the issues would be judged in a peer review process whether the ethical standards of the profession would be applied”

Professional Licensure 645-282.2(154C) Practice of Social Rules of Conduct

- <https://www.legis.iowa.gov/docs/iac/chapter/03-10-2021.645.282.pdf>

Codes of Ethics vs Rules of Conduct

- Codes are guides to ethical practice.
- Rules are that... rules. No ifs, ands or buts. For example, the Iowa Rules of Conduct for licensed social workers contains 110 instances using the words SHALL, SHALL NOT, WILL, WILL NOT....not maybe, sometimes, when you think about it, it depends.
- Violations of either codes of ethics or rules of conduct can get you into trouble.

Work in Progress

Comparison of Codes

Codes of Ethics for Professionals

	Social Workers (NASW)	Mental Health Counselors (AMHCA)	Marriage and Family Therapists (AAMFT)	Psychologists (APA)	Substance Abuse Professionals (NAADAC)	Peer Support Specialists (NCPRSS)	Human Service Professionals (NOHS)
Self Determination							
Privacy							
Confidentiality							
Informed Consent							
Competence							
Cultural Awareness							
Social Diversity							
Conflicts of Interest							
Dual Relationships							
Use of Technology							
Access to Records							
Physical Contact							
Sexual Harassment							
Derogatory Language							
Payment for Services							
Sexual Relationships with current clients							
Sexual Relationships with former clients							
Termination of services							
Referrals							
Disputes with others							
Impairment of colleagues							
Unethical conduct of colleagues							
Supervision							
Transfer of Clients							
Personal impairments							
Misrepresentation							
Solicitations							
Public Participation							
Public Emergencies							
Social and Political Action							

Chapter 228

- <https://www.legis.iowa.gov/docs/ico/chapter/228.pdf>
- How many have heard of it?
- How many are impacted by this in your day to day work?
- How many are aware of the revisions made in 2016?

Suggestion

- If you do not have a copy, GET ONE, READ IT, USE IT!!!
- Again, you do not want to ever say, “I didn’t know”, “no one ever told me”, etc.

HIPAA

- How many of you have heard about it?
- How many of you are impacted by HIPAA in your day to day work?
- How many of you are aware of or have read this:

<https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>

HIPAA vs Chapter 228

- Which is more restrictive?
- Supreme Court of Iowa No. 14-0806, filed November 21, 2014 – “HIPAA provides that it supercedes any contrary provisions of state law” although HIPAA regulations have been described as “dense, complex, confusing and lengthy”. The parties in Iowa agree Iowa law controls if it is “more stringent in protecting MH information than the privacy restrictions imposed under HIPAA. We conclude Iowa law provides the more stringent protection for MH information”.

Other HIPAA Highlights to be Aware of

- How many have heard of psychotherapy notes?
- They are “notes recorded by a healthcare provider who is a MHP documenting or analyzing the contents of a conversation during a private counseling session or group, joint or family counseling session and that are separate from the rest of the patient’s medical record”.
- For those providing MH services, do you have these notes in your practice? Are they subject to release either with a consent, court order, subpoena, etc.?

HIPAA Minimum Necessary

- How many have heard of this?
- How many use it in your day to day work?
- <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/minimum-necessary-requirement/index.html#:~:text=The%20minimum%20necessary%20standard%20requires,disclosure%20of%20protected%20health%20information.>

Iowa Code Chapter 622

- A practicing..MHP..who obtains information by reason of the person's employment..shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the person to discharge the functions of the person's office according to the usual course of practice or discipline?
- <https://www.legis.iowa.gov/docs/code//622.pdf>
- Any attorney's in the room that can explain what this means for us?

Iowa Code Chapter 622

- Paraphrasing – protected matters are discoverable when the patient puts their MH at issue as part of their claim or defense in a civil matter. The patient is supposed to provide a waiver (to disclose MH information). Iowa Code Chapter 228 and Iowa Supreme Court cases offer additional protection for MH treatment and control when information has to be produced. The means either a patient authorization or an appropriate court order is necessary to disclose this information.

Open Notes

- Again, anybody heard of it?
- <https://www.opennotes.org/>

Ethics Complaints/Lawsuits

- Acts of Commission – you did something you should not have done or did it wrong.
- Examples –
- Acts of Omission – you did not do something you should have done.
- Examples -

10 Easy Ways to Lose Your License – State of Massachusetts Board of Allied Health Professionals

1. Sexual misconduct
2. Substance abuse
3. Professional discipline – criminal conviction or unethical conduct
4. Fraud and misrepresentation
5. Patient abuse
6. Medication violations
7. Unethical behavior
8. Poor documentation or record keeping

10 Easy Ways Continued

9. Unlicensed practice

10. Boundary Violations

After reviewing the Iowa Boards Discipline and Public Actions, we could offer a similar course in Iowa. That is partly why I do this work.

Top Five Claims by the MH Risk Retention Group

Based on a 50-year database of claims:

1. Sexual misconduct.
2. Suicide malpractice.
3. Violent acts.
4. Medication errors.
5. Employment practices.

MH Risk Retention Group Videos

<https://www.mhrrg.com/RiskManagement/5MinuteVideoSeries.aspx>

Iowa Boards Discipline and Public Actions Website

- Beginning as early as 2009, the Iowa Department Public Health (now part of IDHHS) began reporting disciplinary actions for various licensed professionals in Iowa. As you might guess, the more licensed professionals, the more likely that there will be “more” opportunities for reports of ethical violations to be filed.
- I am displaying the following to make you aware of this site on the board of professional development website and to make you aware of the types of ethical complaints that have been filed against licensed professionals in Iowa. It is not meant to embarrass anyone or make judgements about those professions.

Iowa Boards Discipline and Public Action

Social Work - https://hhs.iowa.gov/Licensure/Iowa-Board-of-Social-Work/Discipline-and-Public-Actions?utm_medium=email&utm_source=govdelivery&page=1

Behavioral Health Science - <https://hhs.iowa.gov/Licensure/Iowa-Board-of-Behavioral-Science/Discipline-and-Public-Actions>

Psychology - <https://hhs.iowa.gov/Licensure/Iowa-Board-of-Psychology/Discipline-and-Public-Actions>

Iowa Board of Certification

<https://iowacapitaldispatch.com/2020/07/09/counselor-disciplinary-records-kept-secret-by-iowa-board/>

<https://hhs.iowa.gov/Licensure/Iowa-Board-of-Barbering/Iowa-Board-of-Barbering-Public-Actions>

Iowa Board of Social Work - Most Common Ethical Complaints

- Dual relationships
 - Failure to obtain informed consent
 - Violating confidentiality
 - Incompetence
 - Failing to maintain records
 - Violation of a regulation rule or law which relates to the practice of social work (645.IAC 283.2(12))
 - Unethical conduct (645 IAC 283.2(29))
- * Sexual relationships with patients
 - * Habitual intoxication
 - * Falsifying records
 - * Falsifying of continuing education

National Organizations

NASW -

<https://www.socialworkers.org/assets/secured/documents/resources/profession/Default.asp>

ACA – could not locate.

AAMFT – could not locate.

APA – could not locate.

Risk Management



Risk Management

- So now that we know what you can do to get in trouble, how do we take steps to ensure you do not.
- “The best risk management for malpractice litigation is competent practice and accurate documentation of practice decisions and interventions”.
- Risks of Risk Management - <https://www.socialworker.com/feature-articles/ethics-articles/risks-of-risk-management/>

NASW Ethical Standards of Practice – Cassuto Rothman (2011)

1. Describe the case and content.
2. Define the ethical problem.
3. Gather information.
4. Determine applicable ethical theories and principles.
5. Determine relevant elements in the NASW Code of Ethics.
6. Define personal values and biases.
7. Consider the values of the affected system.
8. Define and consider options.

NASW Ethical Standards of Practice - Continued

9. Select an option.

10. Plan to implement


Ethical Decision Making Process – Reamer and Conrad


1. Is there an ethical dilemma?
2. Identify the key values and principles using the NASW Code of Ethics.
3. Rank the values or ethical principles most relevant to the dilemma.
4. Develop an action plan consistent with those ethical priorities.
5. Implement your plan.
6. Review the outcome of your plan.

ACA Ethical Decision Making Poster


So You Have An Ethical Dilemma?

- ### 1. Identify the problem.





 - a. Outline the facts, separating out innuendos, assumptions, hypotheses, or suspicions.
 - b. Ask yourself: Is it an ethical, legal, professional, or clinical problem? Is it a combination of more than one of these?
 - c. Be sure to seek legal advice should you have any legal questions.
- ### 2. Apply the 2014 ACA Code of Ethics.



 - a. Consider any other state or professional codes that apply.
 - b. If the problem is not resolved by reviewing the *ACA Code of Ethics*, then proceed with additional steps outlined in the ethical decision-making process.
- ### 3. Determine nature and dimensions of dilemma.


Consider implications for each foundational principle.*


	Autonomy: Fostering the right to control the direction of one's life.	Non-maleficence: Avoiding actions that cause harm.	* Foundational Principles Beneficence: Working for the good of the individual and society by promoting mental health and well-being.	Justice: Treating individuals equitably and fostering fairness and equality.	Fidelity: Honoring commitments and keeping promises, including fulfilling one's responsibilities of trust in professional relationships.
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Review the relevant professional literature. Consult other professional counselors (those who abide by *ACA Code of Ethics*). Consult state and national professional associations.





- ### 4. Generate potential courses of action.


- ### 5. Consider potential consequences of each course of action for all parties involved.



- ### 6. Evaluate the selected course of action.




Consider Justice:
In applying the test of justice, assess your own sense of fairness by determining whether you would treat others the same in this situation.



Consider Publicity:
For the test of publicity, ask yourself whether you would want your behavior reported in the press.




Consider Universality:
The test of universality asks you to assess whether you could recommend the same course of action to another counselor in the same situation.
- ### 7. Implement your course of action.



Make a note to follow up on the situation to assess whether your actions had the anticipated effect and/or consequences.

References: American Counseling Association (2014). *Code of Ethics*. Alexandria, VA: Author. Forester-Miller, H., & Davis, C. (2010). *A practitioner's guide to ethical decision making*. Alexandria, VA: American Counseling Association.

White paper available at counseling.org/EDM



 AMERICAN COUNSELING ASSOCIATION
counseling.org

Suggested Amendments

- For licensed social workers, review the Iowa Rules of Conduct.
- Is there an issue with HIPAA?
- Consult with colleagues, supervisors, administrators, risk management committees, etc.
- Is legal consultation needed?
- Document your deliberations.
- Debrief with others afterwards.
- Learn from experiences.

Goal of Ethical Decision Making – Mariam Mattison, Ph.D. – Providence College

“The goal of sound ethical decision making is not to reach the “right” solution (as that is why they are called ethical dilemma’s) but rather to rationally and systematically consider the ethical aspects of a case and to be clear about the basis on which the decision was made”.

So What's Next?

- I have been adding to this list of concerns, issues, potential problem areas, ethical situations, etc. that impact professionals for many years. We do not have the time to discuss all of them but I list them for you to consider as you engage in your day to day work. I will focus on some of these with examples but primarily those that have arisen since the pandemic and those on the horizon. My hope is that the resources we have reviewed thus far will be helpful to you as you navigate through the turbulent times we are living in today as professionals.

Potential Issues, Concerns, Problem Areas Related to Ethics

- Confidentiality – probably one of the bigger areas of concern. Examples of releases.
- Whistleblowing -
<https://www.cincinnati.com/story/news/2022/07/13/kentucky-social-worker-tim-williams-wins-whistleblower-lawsuit-boone-county/10045661002/>
- <https://www.clinicaladvisor.com/home/my-practice/legal-advisor/whistleblower-privacy-violation/>
- Duty to Warn/Protect – Tarasoff. Reference Iowa Rules of Conduct. -
<https://www.empr.com/home/features/what-legal-duty-do-practitioners-have-to-warn-potential-victims-of-a-patient/>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- <https://www.ncsl.org/health/mental-health-professionals-duty-to-warn#:~:text=State%20374%20N.W.,to%20a%20specific%20identifiable%20victim.%22>
- False representation - <https://www.medscape.com/viewarticle/994537?form=fpf>
- Professional competence – reference rules of conduct/codes of ethics.
- Incompetence of colleagues.
- Sexual relationships with patients, students, supervisees, etc. - <https://www.10tv.com/article/news/local/ohio-state-fires-social-work-professor-after-sexual-misconduct-investigation/530-d5326376-e538-4593-a4fc-7565443f5230>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- <https://www.sctimes.com/story/news/local/2018/04/09/st-cloud-psychologist-pleads-guilty-sex-client/500772002/>
- Use of email -
<https://www.usatoday.com/story/news/nation/2015/04/10/va-supervisor-resigns-after-email-controversy/25615513/>
- Social media -
<https://www.usatoday.com/story/news/nation/2015/04/10/va-supervisor-resigns-after-email-controversy/25615513/>
- <https://www.empr.com/home/features/responding-to-patient-online-reviews-could-be-risky-for-providers/>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Professional boundaries.
- Empowerment vs enforcement – court commitments, competency, AOT laws, red flag/extreme risk laws - <https://www.everytown.org/solutions/extreme-risk-laws/>
- Self determination – right to die, not take medication, etc. - <https://www.everytown.org/solutions/extreme-risk-laws/>

What about court ordered clients?

- Fraudulent billings - <https://iowacapitaldispatch.com/2023/05/02/therapist-surrenders-license-after-sending-out-dozens-of-fraudulent-bills/>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Documentation - <https://undark.org/2023/06/28/the-invisible-effect-medical-notes-could-have-on-care/#:~:text=The%20study%20found%20that%20medical,a%2010%20out%20of%2010.>
- Termination of services –reference rules of conduct.
<https://www.medscape.com/viewarticle/993522?form=fpf>
- Self disclosure – for all of us but particularly challenges exist for peer support professionals -
<https://www.socialworktoday.com/archive/072115p10.shtml>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Record keeping - <https://ssristories.net/archive/show5cd4.html?item=1078>

HOW do you amend records in your organization?

Reference HIPAA –

<https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/special/healthit/correction.pdf>

<https://www.magmutual.com/learning/article/responding-medical-record-amendment-requests/#:~:text=Under%20HIPAA%2C%20patients%20have%20a,respond%20to%20the%20patient's%20request.>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Telehealth – <https://www.nimh.nih.gov/health/publications/what-is-telemental-health>
- <https://www.socialworkers.org/About/Legal/HIPAA-Help-For-Social-Workers/Telemental-Health>
- Minimum Necessary vs “any and all”, “all records in your possession”, “all records including...”, what do THEY NEED to fulfill the purpose of the request? On the other hand, what do YOU NEED to fulfill the purpose of your request?

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Releases of information – complete/incomplete, valid or invalid, verbal releases, who reviews to determine what is sent out, etc. Examples including psychotherapy notes.
- Court orders/subpoenas/search warrants.
- Testifying in court.
- Informed consent – do you have one? What is in it – any guidance? Example - <https://societyforpsychotherapy.org/informed-consent-in-clinical-practice-the-basics-and-beyond/>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Misdiagnosis.
- Privileged communications - <https://www.oyez.org/cases/1995/95-266>
- Abandonment of care.
- Supervision - <https://www.socialworktoday.com/archive/julyaug2007p34.shtml>
- Cultural competence.
- Access to records - <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html>

Patient portals in EHR's – what can they see/access?

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Soliciting clients.
- Testifying in court.
- Online therapy - <https://www.healthline.com/health/our-top-10-online-therapy-picks>

What about: licensure laws, boundary issues, use of email or text to communicate, professional liability insurance, access to records, record keeping, coordination of care, etc.

<https://www.goodtherapy.org/for-professionals/software-technology/telehealth/article/rules-and-ethics-of-online-therapy>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- <https://www.frontiersin.org/articles/10.3389/fpsy.2019.00993/full>
- Previous relationships – peer support specialists. Friends wanting to see you for therapy.
- Reporting abuse.
- Termination of services – check your codes of ethics and rules of conduct.

Potential Issues, Concerns, Problem Areas Related to Ethics

- Artificial Intelligence.

<https://bhbusiness.com/2023/02/24/talkspace-ceo-ai-can-improve-therapist-performance-boost-quality/#:~:text=%E2%80%9CThat's%20where%20I%20see%20as,'re%20delivering%20to%20people.%E2%80%9D>

<https://www.ftc.gov/news-events/news/press-releases/2023/07/ftc-gives-final-approval-order-banning-betterhelp-sharing-sensitive-health-data-advertising>

Potential Issues, Concerns, Problem Areas Related to Ethics – A.I. continued

- <https://www.thetrevorproject.org/blog/the-trevor-project-launches-new-ai-tool-to-support-crisis-counselor-training/>
- <https://woebothealth.com/>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9919280/#:~:text=Tracking%20physiological%20parameters%3A%20Wearable%20sensors, stress%20or%20anxiety%20%5B5%5D.>

Potential Issues, Concerns, Problem Areas Related to Ethics – A.I. continued

What kind of Artificial Intelligence intersects with your social work practice?

Becoming AI-Aware

Artificial Intelligence: The theory and development of computer systems able to perform tasks that normally require human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages.

While we don't learn or talk a lot about AI in social work education and practice, this technology is increasingly becoming a factor in the context of "human behavior in the social environment." There are both incredible opportunities and substantial risks with use of these tools and technologies.

Let's build AI literacy! Social work belongs in spaces where big decisions about structures of opportunity, justice and well-being are in play.

Visit to learn more:
<http://bit.ly/3kPXgUS>

	20. AI and Social Activism		21. AI and Human Rights	22. AI and Smart Cities	23. AI in Government	24. AI and Job Creation and Elimination
18. AI Powered Digital Humans	19. AI and Loneliness	9. AI and Addictions		10. AI and Loneliness		25. AI and Communications and Disinformation
	8. AI and Mental Health		2. Bias/Racism in AI		11. AI and Human Sexuality and Relationships	
17. AI and Community Well-Being		1. What is AI?		3. AI in Social Work		26. AI and Religion
	7. AI and Aging and Caregiving		4. AI Ethics		12. AI and Criminal and Juvenile Justice	27. Tech-Sector Specific AI
16. AI and Child Welfare		6. AI and Health		5. AI and Social Good		28. AI and War
	15. AI and Children		14. AI in Policing		13. AI and Climate Change and Justice	

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Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- <https://www.frontiersin.org/articles/10.3389/fpsy.2019.00993/full>
- <https://theconversation.com/how-ai-is-helping-to-predict-and-prevent-suicides-91460>
- <https://mychatbotgpt.com/>
- https://www.medscape.com/for-you?ecd=WNL_reclnew1_broad_US_perso_artid995193_etid5725876&uac=19862DG&230807&impID=5725876

Potential Issues, Concerns, Problem Areas Related to Ethics – A.I. continued

- <https://www.axios.com/2023/03/09/ai-mental-health-fears>
- Potential issues per recent webinar: no longitudinal data, privacy concerns, being “taught” by a machine, informed consent, transparency, potential for misdiagnosis (depression vs hypothyroidism), surveillance, plagiarism (needing software to check authenticity of papers in college), algorithmic bias (where does data come from),

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Ethical Drift - [https://nlcsw.ca/sites/default/files/inline-files/Ethical Compass Volume 18 Preventing Ethical Drift-in Social Work Practice.pdf](https://nlcsw.ca/sites/default/files/inline-files/Ethical%20Compass%20Volume%2018%20Preventing%20Ethical%20Drift-in%20Social%20Work%20Practice.pdf)
- Denying Care - <https://newrepublic.com/post/172667/its-now-legal-florida-doctors-deny-health-care-anyone-feel-like>
<https://www.legis.iowa.gov/docs/publications/LGI/90/SF297.pdf>
- Professional Wills - <https://www.goodtherapy.org/blog/psychpedia/professional-will>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Verification of identities – patients living out of state requesting their records, virtual services, etc.
- Refusing Access to Records – why, under what circumstances - <https://www.hhs.gov/hipaa/for-professionals/faq/2046/under-what-circumstances-may-a-covered-entity/index.html>

Have any of you ever refused? What happened?

- Medicinal marijuana.
- Charging for records - <https://www.hhs.gov/hipaa/for-professionals/faq/353/if-patients-request-copies-of-medical-records-are-they-required-to-pay-for-copies/index.html>

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Telehealth platforms – secure, HIPAA compliant? Zoom, Teams, Vidyo, Doxy, Doximity, AM Well, Quenza, Theranest, MyClientsPlus, Teladoc, Sesame Care, PlushCare, MDLive, Virtuwel to mention a few.

Ethical Arguments for and against Telehealth

For

Inc. access, service availability,
flexibility

Therapy benefits, enhanced
communication

Convenience, satisfaction,
acceptance, inc. demand

Economic advantages

Against

Privacy, confidentiality, security

Therapist competence/training
needs

Technology

Research gaps

Emergency issues

Other Arguments For

- Anonymity
- Eliminating barriers to access and engagement
- Online teaching and supervision
- Reducing stigma
- Patient empowerment
- * Worldwide therapy options
- * Emergencies
- * Adaptability
- * Adherence and compliance

Other Arguments Against

- Informed consent
- Absent or incomplete guidelines
- Misuse and potential harm
- Practicing across borders
- Costs
- Payment and insurance issues
- Negative issues of technology
- Dehumanization
- * Identity and verification issues
- * Legal issues
- * Boundary issues
- * Technical issues
- * Inc. liability and litigation
- * Relationship issues
- * Patient dependence

Potential Issues, Concerns, Problem Areas Related to Ethics Continued

- Referrals - https://www.counseling.org/docs/default-source/ethics/ethics-columns/ethics_may_2017_terminations-and-referrals.pdf?sfvrsn=ea25522c_6
- <https://www.socialworkers.org/About/Ethics/Ethics-Education-and-Resources/Ethical-Standard-of-the-Month/Referral-for-Services>
- Mandatory COVID vaccines – yourself, colleagues, patients, etc.
- Disclosures to payors – what’s in the record that may not be relevant to what they are asking for?
- Cybersecurity

Social Work Today

- <https://www.socialworktoday.com/>

Socialworktoday – Eye on Ethics – Other Potential Ethical Issues

<https://www.socialworktoday.com/>

- Praying with clients
- End of life issues
- To post or not to post
- Saying I'm sorry
- * Undocumented individuals
- * Politics and social work
- * SW'ers as peer support
- * Managing gift

Resources

NASW – www.socialworkers.org

ACA – www.counseling.org

AAMFT – www.aamft.org

IBC – www.iowabc.org

Iowa Impaired Practitioner Program -

<https://hhs.iowa.gov/licensure/Impaired-Practitioner-Program#:~:text=The%20IPP%20is%20a%20confidential,are%20regulated%20by%20those%20boards.>

Resources Continued

- MHP Duty to Warn Laws by State - <https://www.ncsl.org/health/mental-health-professionals-duty-to-warn#:~:text=State%20374%20N.W.,to%20a%20specific%20identifiab le%20victim.%22>

Final Thoughts

- Think before you act.
- When in doubt as to what to do, consult with others.
- Use the resources available to you including the ethical decision making process.
- Document your deliberations when ethical issues arise.
- If you do something dumb, learn from it so you do not do something stupid.
- Don't do something stupid!

Thank You!!!/Questions!!!

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