A Change of Scenery: Navigating Professional Ethics Amidst Increasing Legal Directives and Mental Health Need

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Agenda

01. The State of Mental Health

A brief overview of how mental health in changing as needs continue to increase.

02. Ethical Guidance for the Changing Scenery

Discussion of ethical code related to the intersection of caring for ourselves to ensure safety and quality care for clients.

03. The State in Mental Health

Understanding the intersection of law and ethics and managing gray spaces.
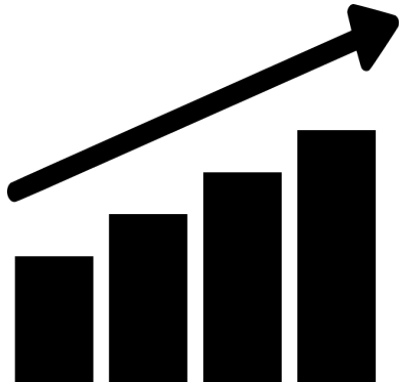
04. Community Care as Self Care

Staying healthy as providers and considering community building as part of our ethical call to promote individual dignity, well-being and justice.
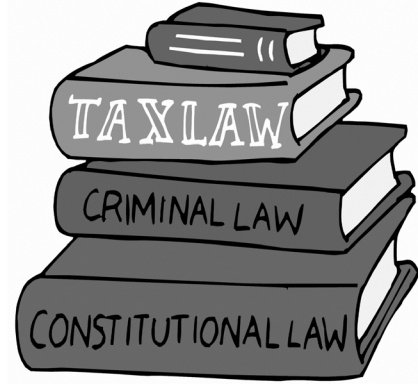
05. Closing

Name two actionable steps and practices to increase community care for our clients and selves in this new landscape.

Objectives

Understand and apply professional ethics related to increasing demands in mental health practice.

Understand the intersection of law and ethics. Increase capacity to support clients in gray spaces.

Define community care as it relates to self care and understand how these relate to professional ethics.

Set 2 action goals related to increasing community care for yourself and your clients.

The State of Mental Health

The State of Mental Health

APA's 2022 Practitioner Survey

- 60%of practitioners reported being at capacity and not taking new clients

- 72% of practitioners have longer waitlists than before the pandemic.

- Practitioners reported being contacted by an average of 15 potential clients seeking care a month.

SAMHSA 2022 Brief on Behavioral Health Workforce Burnout

- 50% of behavioral health providers reported burnout due to high level of work-related stress

The State of Mental Health

Based on increasing demands and workload, APA found 46% of psychologists said they could not meet the demand for treatment, up from 30% in 2020.

Moreover, 45% of psychologist reported feeling burned out in 2022.

"These findings highlight the continued need to support psychologists as they care for their patients. Both individual-level and organization-level interventions targeting key contributing factors to burnout can serve as potential treatment and prevention strategies" (Lin et al., 2023)

https://www.apa.org/monitor/2023/04/psychologists-covid-burnout

How we are told to manage it.

KEEP CALM AND CARRY ON
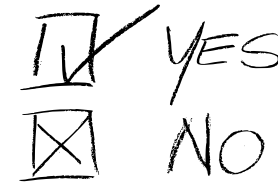
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SAMHSA Brief (2022)

Signs and Symptoms of Burnout[11]

Burnout is a spectrum with many symptoms that can vary in severity. Common signs include:

- Sense of failure
- Procrastination
- Physical illness
- Helplessness
- Loss of motivation
- Withdrawal from relationships and responsibilities

(Brief, p. 3)

The signs and symptoms of burnout is not…

☐✓ YES
☒ NO

Instead…think of it as a continuum.

RESPONDER STRESS CONTINUUM

READY	REACTING	INJURED	CRITICAL
Sense Of Mission	Sleep Loss	Sleep Issues	Insomnia
Spiritually & Emotionally Healthy	Change In Attitude	Emotional Numbness	Hopelessness
Physically Healthy	Criticism	Burnout	Anxiety & Panic
Emotionally Available	Avoidance	Nightmares	Depression
Healthy Sleep	Loss Of Interest	Disengaged	Intrusive Thoughts
Gratitude	Distance From Others	Exhausted	Feeling Lost Or Out Of Control
Vitality	Short Fuse	Physical Symptoms	Blame
Room For Complexity	Cutting Corners	Feeling Trapped	Hiding Out
	Loss Of Creativity	Relationships Suffering	Broken Relationships
	Lack Of Motivation	Isolation	Thoughts Of Suicide
	Fatigue		

Find your code...

On the following pages read the most relevant code to your license and skim the others to not similarities and nuance.

SAMHSA Brief (2022)

https://store.samhsa.gov/sites/default/files/pep22-06-02-005.pdf

Specific Codes

❑ American Psychological Association (https://www.apa.org/ethics/code)

- Principle A: Beneficence and Nonmaleficence

"Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work."

- 2.06 Personal Problems and Conflicts

"(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, Terminating Therapy.)"

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Codes of Ethics Related to Burnout

Many professional organizations have sections within their code of ethics around professional competence that create an ethical imperative for addressing burnout.[20]

For instance, the American Psychological Association's (APA) Code of Conduct requires providers to take steps to stop working when they experience issues interfering with their work.[21] The National Association of Social Workers' Code of Ethics states that social workers who are aware of a colleague's impairment due to psychosocial distress or mental health difficulties that interfere with practice effectiveness should consult and assist when possible.[22]

Specific Codes

❑ National Association of Social Workers

- Purpose Statement

"Professional self-care is paramount for competent and ethical social work practice. Professional demands, challenging workplace climates, and exposure to trauma warrant that social workers maintain personal and professional health, safety, and integrity. Social work organizations, agencies, and educational institutions are encouraged to promote organizational policies, practices, and materials to support social workers' self-care."

- Value: Integrity

"Social workers are continually aware of the profession's mission, values, ethical principles, and ethical standards and practice in a manner consistent with them. Social workers should take measures to care for themselves professionally and personally. Social workers act honestly and responsibly and promote ethical practices on the part of the organizations with which they are affiliated.

https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English

Specific Codes

❑ National Board of Certified Counselors (https://www.nbcc.org/assets/ethics/nbcccodeofethics.pdf)

- Core Values and Beliefs

"Counselors strive to enhance the social and mental well-being of their clients while supporting the overall physical health of each client. Counselors must engage in self-care and self-reflection." (p. 1)

- Professional Responsibilities

"Counselors shall seek professional assistance or withdraw from the practice of counseling if their mental or physical condition makes it so that they are unable to provide appropriate services." (p.2)

❑ American Mental Health Counselors Association (https://www.amhca.org/viewdocument/2020-amhca-code-of-ethics?CommunityKey=88ff9fb7-8724-4717-8a7c-4cf1cd0305e9)

- Counselor Responsibility and Integrity

Competence (h): Recognize that their effectiveness is dependent on their own mental and physical health. Should their professional judgment or competency be compromised for any reason, they seek capable professional assistance to determine whether to limit, suspend, or terminate services to their clients.

Specific Codes

❑ American Association for Marriage and Family Therapy (https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx)

• Professional Competence and Integrity (3.3 Seek Assistance)

"Marriage and family therapists seek appropriate professional assistance for issues that may impair work performance or clinical judgment."

• Professional Competence and Integrity (3.12 Professional Misconduct)

"Marriage and family therapists may be in violation of this Code and subject to termination of membership or other appropriate action if they: (a) are convicted of any felony; (b) are convicted of a misdemeanor related to their qualifications or functions; (c) engage in conduct which could lead to conviction of a felony, or a misdemeanor related to their qualifications or functions; (d) are expelled from or disciplined by other professional organizations; (e) have their licenses or certificates suspended or revoked or are otherwise disciplined by regulatory bodies; (f) continue to practice marriage and family therapy while no longer competent to do so because they are impaired by physical or mental causes or the abuse of alcohol or other substances; or (g) fail to cooperate with the Association at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint."

Participation Moment

Review the brief list of burnout symptoms. With 1-2 other people, share which one you notice in yourself when burned out. Be a human/social being for a moment.

Now, review your particular *Code of Ethics* on this topic. What stands out to you? What do you wish it included? What is it making you consider based on this conversation?

Scan the QR Code

Share back from your discussion:

https://www.menti.com/ali1msxn7nif

To view live results:
https://www.mentimeter.com/app/presentation/alwzo
a429vipmxowmcx4prnmn3pi4wut

The State in Mental Health

The Intersection of Laws and Our Professional Ethics

Long Standing Examples for Confidentiality

- Mandatory reporting
- HIPPA
- SA and HIV confidentiality rules
- Involuntary commitments and safety of self and others
- Least restrictive environment and IEPs in school setting

Newer Laws Impacting Referrals, Service Provision, and Confidentiality

- Abortion and reproductive-related laws
- Access to transgender healthcare
- LGBTQ+ minors and confidentiality (having to share with guardian)

Client Needs and Practice Changes Based on New Laws

- Loss of clients/specialization
- Fear/increased anxiety
- Family decision-making and/or addressing family conflict
- Understanding and explaining legal or policy changes (protections or consequences)
- Long-term symptom management
- New thinking about safety assessment and risk

The Intersection of Laws and Ethics: What happens when there is tension?

Example from "Direct Social Work Practice: Theory and Skills" (Hepworth et al., 2017, Fig 4-1)
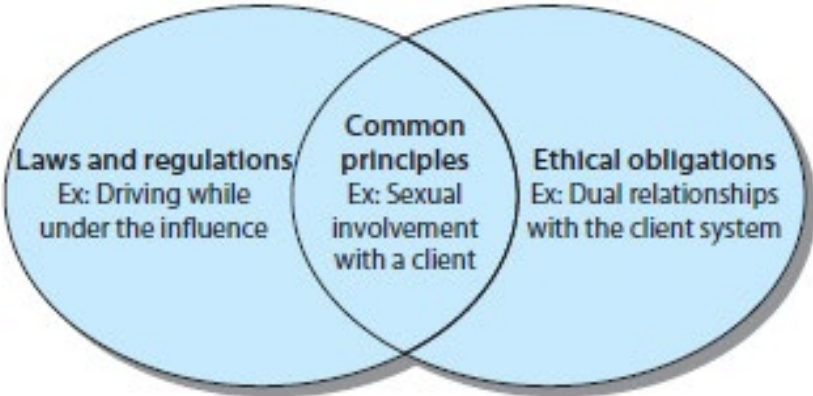
Example of Gray Spaces Between Laws and Ethics
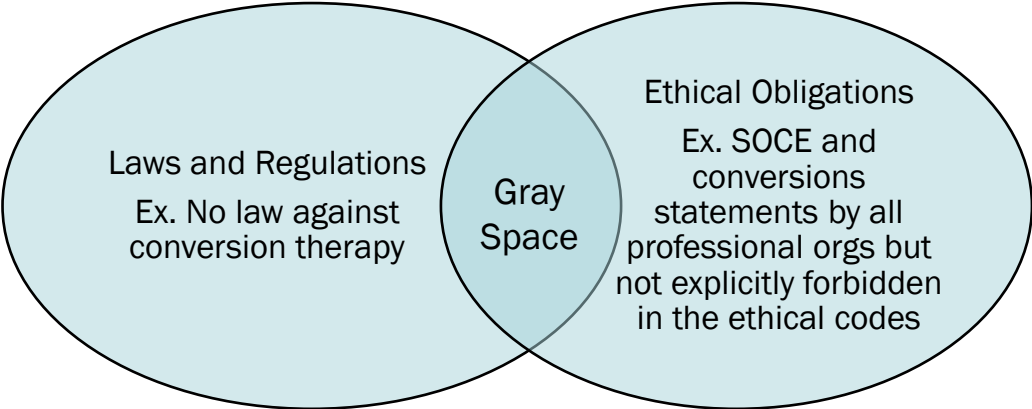
Personal Reflection: Ohio CSWMFT Board voted on a statement against conversion therapy and said clinicians could be disciplined, including having their licensed revoked. There is no state law banning it.

Which is higher ranking? Can ethical codes and and/or professional boards ask for more protections than a state provides? What is the risk? What do you think would happen in Idaho?

If you said yes, ethical codes or professional boards can ask for more, then can an ethical codes ask for less or override law?

How do we care for ourselves and our clients in this socio-cultural moment?

Legal stipulations are increasing resulting in difficult tensions with ethics and increased stress for some client populations.

One way we can care for ourselves and help encourage clients to increase their sense of empowerment, agency, and reduce anxiety and hopelessness is to consciously expand self care to include more *community care*.

If people are social beings, then therapists are social beings; therefore, we must tend to ourselves as such.

Self Care **AND** Community Care

More on this in the second part...but to conclude, how do we navigate these increasing stressors and difficult tensions?

Community Care Defined

- an approach utilized by individuals to support one another and the broader community.

- Is informed by its historical roots in BIPOC, queer, and rural communities for generations

- relies on the collectivistic beliefs where the well-being of the individual is intrinsically tied to the well-being of the larger community.

- focuses on the connections, intentional actions, and efforts to mobilize individuals to support one another

Examples

- Informal peer support (intentionally connect with friends with similar experiences)

- Mutual aid (reciprocal exchange or resources or services)

- Informal or formal talking circles/healing circles/affinity groups (roots in collectivist cultural traditions)

- Community healing or response

- General community events (silent book clubs, community space times in your practice or notifications of community gatherings, death cafes, expressive arts session open to all)

Summarized from Mental Health America website (2024)

https://www.mhanational.org/bipoc-mental-health/community-care#:~:text=Definition%3A%20A%20practice%20where%20individuals,and%20assistance%20to%20one%20another.

Commitments to Action

What is one thing you can do to increase community care for yourself?

- Find one new community event to attend in the next couple weeks (and go!)

- Reach out to a colleague/s for a regular consultation space

- Reach out to a colleague/s to establish agroup text for resource (and meme) sharing

- Connect with a previous mentor

- Write a note or send an special email to someone in your community each week over the next year

- Etc.

What is one thing you will do to increase or encourage community care for your clients?

- Access for community connections and support

- Provide 2 suggestions to each client related to community care or community building

- Open your space or find a space to host a community organizing event or open visiting time

- Find mutual aid groups in the state and your community/region

Commitments to Action

Take 2-3 minutes to think and then share one of your action goals with someone near you. Now share at this link for reference and community hope building ☺   →

Your posts are anonymous to me and all participants, but feel free to share your name at the end of the post. You can also reply to others if you would like.

Link (as needed): https://padlet.com/timberslcsw/community-care-actions-bulletin-board-dfasuwx1j7hsk7oi

References

Each slide showed all references with links provided throughout.

I am willing to share my slides or more resources if you email me at:

timberslcsw@gmail.com or reach out on LinkedIn

Take a break!

We will move into the second part of the ethics training after a 10-minute break.