

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

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Jumping Back In



The Intersection of Laws and Our Professional Ethics

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

What examples do you have from these categories in your own practice, supervision role, or community?

If you have no examples, what ways can you imagine these coming up for you?

Examples and Discussion

Purposely not shared until presentation.

A Statement about Care in the Following Discussions

Because the following information is related to current laws, it is important to establish that the discussion is not about whether a law should be in place or not. In mental health treatment, our codes of ethics ask that we set aside our personal values and to prioritize client self-determination. The following information and discussion is related to what needs to be known and considered when laws and client self-determination may create tension or lead to ethical dilemmas.

APA Press Release (May 3, 2022)

“Rigorous, long-term psychological research demonstrates clearly that people who are denied abortions are more likely to experience higher levels of anxiety, lower life satisfaction and lower self-esteem compared with those who are able to obtain abortions,” said APA President Frank C. Worrell, PhD. “In addition, there is no research to indicate that abortion is a cause for subsequent mental health diagnoses.” (APA, 2022, link below)

Intersections of poverty, race, gender identity, and one’s mental health prior to pregnancy can all be factors impacting reproductive choice. If a client wants an abortion but cannot receive one, mental health providers should consider tailoring assessment and intervention to address related mental health needs and supports.



Idaho's Abortion Law, the Crane Letter, & Your Protection in Referrals Out of State

- *Planned Parenthood v. Labrador*, Case No. 1:23-cv-00142
- I.C. 18-622(2) said that any healthcare provider assisting in performing or attempting to perform an abortion could be criminally charged.
- The Crane Letter from AG Labrador stated that referrals was included in the definition of assisting.
- A lawsuit was filed based to free speech violations and AG Labrador withdrew the letter but never recanted the stance, leaving many worried about the interpretation.
- Federal District Court of Idaho Judge Winmill provided an injunction that paused the ban until more information could be presented.
- It went back and forth a bit in various courts but in late December 2023, the Supreme Court allowed the abortion ban to go into effect and agreed to hear the appeal case in April 2024.
- It remains unclear if referrals would be considered assisting and potentially charged (as of Jan 2024)

(ACLU Press Release, 2023, <https://www.aclu.org/press-releases/federal-court-blocks-enforcement-of-idaho-attorney-generals-prohibition-on-out-of-state-abortion-referrals>); (NPR Law, Totenberg, 2024, <https://www.npr.org/2024/01/05/1216284896/supreme-court-allows-idaho-abortion-ban-to-be-enacted-first-such-ruling-since-do>)

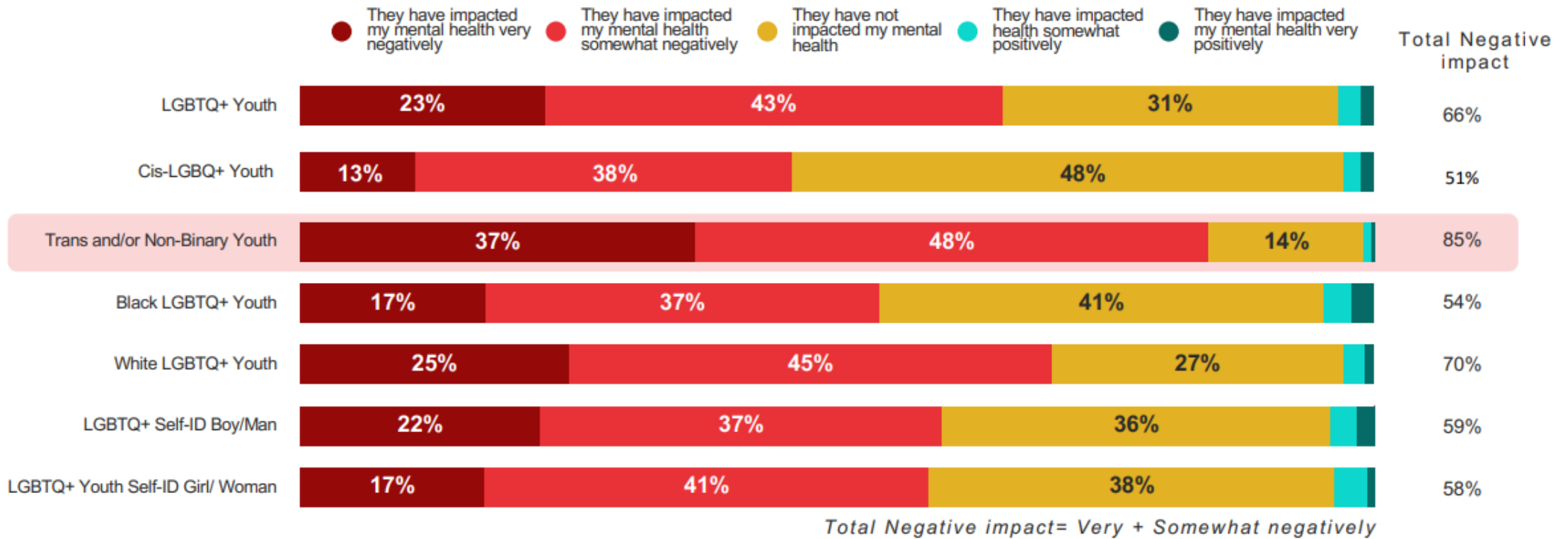
Trevor Project Survey



ISSUES IMPACTING THE TRANSGENDER COMMUNITY

Two-thirds of LGBTQ youth report that the recent debates about state laws restricting the rights of transgender people has impacted their mental health negatively. This impact is even more dramatic among transgender and/or non-binary youth where more than four in five of them (85%) report it has impacted their mental health negatively.

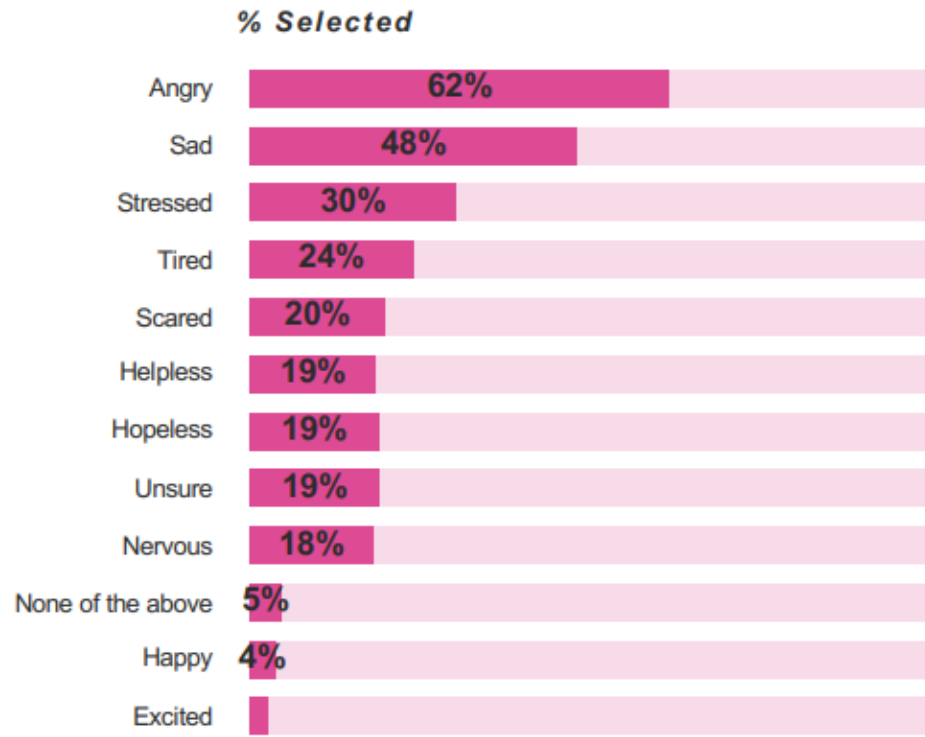
How have recent debates about state laws restricting the rights of transgender people impacted your mental health?



ISSUES IMPACTING THE TRANSGENDER COMMUNITY

The transgender sports ban was most likely to evoke *anger* and *sadness* across key demographics.

Some states have implemented a new policy that will ban transgender girls from playing on girls' sports teams and transgender boys from playing on boys' sports teams. How does this policy make you feel? Please select all that apply.



	LGBTQ+ Youth	Cis-LGBTQ+ Youth	Trans and/or Non-Binary Youth	Black LGBTQ+ Youth	White LGBTQ+ Youth	LGBTQ+ Youth Self-ID Boy/Man	LGBTQ+ Youth Self-ID Girl/Woman
Angry	62%	50%	74%	52%	66%	56%	56%
Sad	48%	41%	57%	45%	49%	47%	46%
Stressed	30%	20%	43%	22%	33%	26%	26%
Tired	24%	17%	33%	19%	24%	24%	18%
Scared	20%	11%	31%	12%	24%	18%	16%
Helpless	19%	25%	28%	15%	20%	15%	18%
Hopeless	19%	14%	26%	13%	22%	22%	15%
Unsure	19%	13%	13%	22%	18%	20%	21%
Nervous	18%	13%	25%	15%	20%	19%	14%
None of the above	5%	6%	2%	5%	5%	6%	6%
Happy	4%	6%	2%	6%	2%	4%	5%
Excited	3%	3%	2%	5%	1%	2%	4%

Consider How It Impacts Client Assessment & Care

- Helping client manage bullying and discrimination in school when there are not formal protections (increase safety screening, offer stigma management training, consider ethics and implications of treating trauma response while client is still in traumatic situation)
- Helping trans male find new activities and outlets after being removed from his soccer team.
- Helping family decide if they should move out of state for more protections – helping family cope if they do not have the resource to move.

LGBTQ Youth Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Nondiscrimination Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
Anti-Bullying Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
Negative Law: Laws Banning Local Schools and Districts from Passing LGBTQ Nondiscrimination and/or Anti-Bullying Policies	No Negative Law	0/-1	No Negative Law	0/-1
State Curricular Standards Required to Be LGBTQ-Inclusive	✘	0/1	✘	0/1
Negative Law: "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBTQ People or Issues in Schools	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Requires Parental Notification of LGBTQ-Inclusive Curricula and Allows Parents to Opt Children Out	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Restricts Discussions of "Homosexuality" in Specific School Subjects	No Negative Law	0/-0.5	—	—
Negative Law: State Law Prevents Transgender Students from Participating in Sports Consistent With Their Gender Identity	—	—	NEGATIVE LAW	-1/-1
Negative Law: State Law Prevents Transgender Students from Using School Facilities Consistent With Their Gender Identity	—	—	NEGATIVE LAW	-1/-1
Negative Law: Forced Outing of Transgender Youth in Schools	—	—	No Negative Law	0/-1
Conversion Therapy Ban Covering LGBTQ Youth	✘	0/1	✘	0/1

Movement Advancement Project, 2024 (regularly updated)

<https://www.lgbtmap.org/equality-maps/>

Discussion

In North Carolina there is a law-SB49 (2023), Part 4- that requires schools to notify a parent “prior to any changes in the name or pronoun used for a student in school records or by school personnel,” among other provisions.



Negative Law: Forced Outing of Transgender Youth in Schools	-	-	NEGATIVE LAW	-1/-1
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In Idaho there is no specific law about disclosing name or pronoun changes, but one that does increase risk for outing a student. HB163 (2023), says:

(2)(d): Schools “shall develop and adopt a policy” including: “The public school’s responsibility for notifying a student’s parent or legal guardian regarding known changes in the student’s mental, emotional, or physical health or well-being,” which could easily apply to a student’s gender identity.

(3): “A policy shall not prohibit parents or legal guardians from accessing any of their children’s education and health records...” which could easily contain information about a student’s gender identity.

Discussion

How would you talk with a youth who wanted to change the name they use at school but did not want to tell the parents?

What if the youth is experiencing distress in daily life related to LGBTQ+ identity but is not currently suicidal or at elevated risk?



Apply Your Code of Ethics

Links to Codes

- [APA](#)- American Psychological Association
- [NASW](#)- National Association of Social Workers
- [NABSW](#)- Nat. Assoc. of Black Social Workers
- [IFSW](#)- International Federation of Social Workers
- [AMFT](#)- Association of Marriage & Family Therapy
- [NBCC](#)- National Board of Certified Counselors
- [ACA](#)- American Counseling Association
- [AMHCA](#)- American Mental Health Counselors Assoc.

Think-Pair-Share

- 10 minutes to skim – find 2 relevant statements that may support, guide, challenge, or inform your responses to clients who cannot access a healthcare intervention
- 15 minutes – in groups of 3-4 share what you found
- 10 minutes to report back to the larger group

Apply Wisdom from Another Code of Ethics

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Overview of Ethical Codes at the Intersection of Law and Ethics: Online Reference

LINK TBD- This documents is still being drafted for a SAMHSA Center for Excellence and will be done by February for use in this presentation.



The End



...The End Again!

All references found in links on each slide.