



## **MCFT 510: LEGAL AND ETHICAL ISSUES IN MCFT**

### **FALL 2023**

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Dates and times: Tuesdays 9/26/23 to 11/28/23

Section 2: 9:00am-12:00pm

Section 3: 1:00pm-4:00pm

Place: York 115

Instructor: Marcia L Michaels, PhD, LMFT

Office Hours: by appointment (Tues 12-1pm)

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### **CATALOG DESCRIPTION**

Survey of current issues relating to ethical practice and legal responsibilities in family therapy. Addresses issues such as confidentiality, informed consent, dual relationships, and therapist liability. Includes models for ethical decision making, working with the legal system, and relevant aspects of family law.

**Prerequisites:** None

**Credits:** 2 semester units (30 contact hours)

### **MCFT STUDENT LEARNING OUTCOMES**

This course promotes the following student learning outcomes:

SLO 1.1: Students recognize the impact of power on individuals, families, and communities.

SLO 4.1: Students apply ethical decision-making processes to clinical dilemmas.

SLO 4.2: Students provide competent service according to the AAMFT code of ethics and core competencies.

### **COURSE OBJECTIVES**

At the end of this course, students are expected to:

1. Understand the ethical and legal considerations specifically related to the practice of family therapy (e.g., confidentiality & release of records in relational therapy). Know and follow the AAMFT Code of Ethics, standards of practice, and state laws and regulations for the practice of MCFT, including the ACA Code of Ethics.
2. Understand the implications of professional issues unique to the practice of family therapy, including contemporary debates in the field (e.g., diagnosis and relational

- therapies, evidence-based & common factors movements).
3. Understand philosophies and best practices for ethical decision-making. Learn to apply a model of ethical decision making appropriate for clinical work
  4. Become familiar with family law, family regulating agencies, and actions required of family therapists, (e.g., reporting child abuse & neglect, going to court, responding to subpoenas, working with child protection agencies).
  5. Develop a beginning understanding of the behavioral health care delivery system, its impact on the services provided, the barriers and disparities in the system, and how institutional barriers prevent members of varying cultural and class groups from using/benefiting from mental health services.

## TEXT AND READINGS

Readings include the course text, published articles that you can retrieve from Watzek Library, materials on the class Moodle site, and information from various websites.

### Texts

Murphy, M. J., & Hecker, L. (2017). *Ethics and professional issues in couple and family therapy* (2<sup>nd</sup> ed). New York, NY: Routledge.

**Articles** (can be found in the library database, online, and/or in the Moodle class)

Barrett, M. J. (2012). Yesterday's ethics vs. today's realities: Boundaries in an age of informality. *Family Therapy Magazine*. (not sure about year, volume & pg numbers)

Baumgartner, J. C., Aboulafia, G. N., & McIntosh, A. (2020, April 3). The ACA at 10: How has it impacted mental health care? *To the Point (blog), Commonwealth Fund*. Retrieved from <https://doi.org/10.26099/2ajx-qg59>.

Cohen Veterans Network (2018, October 10). America's mental health 2018: Research summary. Retrieved from <https://www.cohenveteransnetwork.org/wp-content/uploads/2018/10/Research-Summary-10-10-2018.pdf>

Cottone, R. R., & Claus, R. E. (2000). Ethical decision-making models: A review of the literature. *Journal of Counseling & Development*, 78, 275-283.

Ellis, E., (2012). What are the confidentiality rights of collaterals in family therapy? *The American Journal of Family Therapy*, 40, 369–384.

Federal Trade Commission (2023, July 14). FTC gives final approval to order banning BetterHelp from sharing sensitive health data for advertising, requiring it to pay \$7.8 million. Retrieved from <https://www.ftc.gov/news-events/news/press-releases/2023/07/ftc-gives-final-approval-order-banning-betterhelp-sharing-sensitive-health-data-advertising>

- Ferentz, L. (2002, September/October). Treating self-harm: Here's a contract that clients can follow. *Psychotherapy Networker magazine*.
- Freedenthal, S. (2021, September/October). When therapists struggle with suicidality: Releasing ourselves from stigma and shame. *Psychotherapy Networker magazine*.
- Garcia, J. G., Cartwright, B., Winston, S. M., & Borzuchowska, B. (2003). A transcultural integrative model for ethical decision making in counseling. *Journal of Counseling & Development*, 81, 268-277.
- Gottlieb, L. (2018, Mar 21). Dear Therapist: I Google stalked my therapist. *The Atlantic*. Retrieved from: <https://www.theatlantic.com/family/archive/2018/03/dear-therapist-week-1/555812/>
- Gottlieb, L. (2019, September 23). Dear Therapist: I can't stop thinking about my therapist's Grindr profile. *The Atlantic*. Retrieved from: <https://www.theatlantic.com/family/archive/2019/09/i-found-my-therapists-grindr-profile/598399/>
- Gonyea, J. & Wright, D. (2014). Navigating dual relationships in rural communities. *Journal of Marital and Family Therapies*, 40(1), 125-136. doi: 10.1111/j.1752-0606.2012.00335.x
- O'Grady, E. (2020, September). Understaffed, unlicensed, and untrained: Behavioral health under private equity. *Private Equity Stakeholder Project*. Retrieved from <https://pestakeholder.org/wp-content/uploads/2020/09/PESP-behavioral-health-0-2020.pdf>
- Lyford, C. (2021, July/August). The TikTok therapist: Goodbye, blank slate. *The Psychotherapy Networker*. Retrieved from: <https://www.psychotherapynetworker.org/magazine/article/2566/the-therapy-beat>
- Peluso, P. R. (2003). The ethical genogram: A tool for helping therapists understand their ethical decision-making styles. *The Family Journal: Counseling and Therapy for Couples and Families*, 11(3). 286-291.
- Primm, A. B., Vasquez, M. J. T., Mays, R. A., Sammons-Posey, D., McKnight-Eily, L. R., Presley-Cantrell, L. R., McGuire, L. C., Chapman D. P., & Perry, G. S. (2010, January). The role of public health in addressing racial and ethnic disparities in mental health and mental illness. *Preventing Chronic Disease: Public Health Research, Practice, and Policy*, 7(1). Retrieved from [www.cdc.gov/pcd/issues/2010/jan/09\\_0125.htm](http://www.cdc.gov/pcd/issues/2010/jan/09_0125.htm)
- Rontal, B. (2021, September/October). I'd rather clean the toilet than write progress notes: Making peace with an essential task. *Psychotherapy Networker magazine*.

- Schwartz, R., Eiseman, J., Liloia, N., & Fulwiler, M. (2021, May 23). Is this the end of the private practice therapist? *Mental Health Match*. Retrieved from <https://mentalhealthmatch.com/articles/for-therapists/end-private-practice-therapist>
- Siegel, D. (2021, March/April). On the death of my friend: A reflection on bipolar disorder and suicide. *Psychotherapy Networker magazine*.
- Sommers-Flanagan, J. (2018). Conversations about suicide: Strategies for detecting and assessing suicide risk. *Journal of Health Services Psychology*, 44, 33-45.
- Sommers-Flanagan, J. (2021, July/August). The myth of infallibility: A therapist comes to terms with a client's suicide. *Psychotherapy Networker magazine*.
- Varanasi, A. (2021, April 19). Decolonizing therapy: Why an apolitical mental health system doesn't work. *Rewire*. Retrieved from <https://www.rewire.org>
- Woody, R. (2007). Avoiding expert testimony about family therapy. *The American Journal of Family Therapy*, 35, 389–393.
- Wulff, E. & St. George, S. (2011). Revisiting confidentiality: observations from family therapy practice. *Journal of Family Therapy*, 33, 199–214. doi: 10.1111/j.1467-6427.2010.00514.x

### **Other Readings (required)**

What You Can Do About Child Abuse by DHS, Oregon Department of Human Services <https://apps.state.or.us/forms/served/de9061.pdf> + companion video (25 min) in Moodle. There are additional resources on Moodle to help you understand your responsibilities.

### **Websites/Resources**

American Association for Marriage and Family Therapy: <https://www.aamft.org>  
AAMFT Code of Ethics: [https://www.aamft.org/Legal\\_Ethics/Code\\_of\\_Ethics.aspx](https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx)

American Counseling Association: <https://www.counseling.org/>  
ACA Code of Ethics: [https://www.counseling.org/docs/default-source/default-document-library/2014-code-of-ethics-finaladdress.pdf?sfvrsn=96b532c\\_2](https://www.counseling.org/docs/default-source/default-document-library/2014-code-of-ethics-finaladdress.pdf?sfvrsn=96b532c_2)

Oregon Board of Professional Counselors and Therapists (OBLPCT) Home Page: <http://www.oregon.gov/oblpc/Pages/index.aspx>

Oregon Coalition Against Domestic and Sexual Violence Webinars: (FYI) <https://www.ocadsv.org/resources/webinars/webinar-series-domestic-violence-and-mental-health>

There are 4 webinars including:

Understanding Domestic Violence Beyond Physical Abuse – 1.5 hrs

Screening for Domestic Violence by Mental Health Professionals – 1.5 hrs

## COURSE OBJECTIVES, STUDENT LEARNING OUTCOMES, AND EVALUATION ACTIVITIES

<b>Course Objective</b>	<b>MCFT Student Learning Outcomes</b>	<b>AAMFT Core Competencies &amp; AMFTRB task statements</b>	<b>Evaluated by</b>
1. Understand the ethical and legal considerations specifically related to the practice of family therapy (e.g., confidentiality & release of records in relational therapy). Know and follow the AAMFT Code of Ethics, standards of practice, and state laws and regulations for the practice of MCFT.	SLO 1.1 SLO 4.2	CC 1.1.3 CC 1.2.1 CC 1.2.2 CC 5.1.1 CC 5.1.2 CC 5.4.1 CC 5.4.2 CC 5.5.2 TS 01.04 TS 01.05 TS 02.01	40 Day Challenge Class Discussions PDS Take Home Exam In Class Exam
2. Understand the implications of professional issues unique to the practice of family therapy, including contemporary debates in the field (e.g., diagnosis and relational therapies, evidence-based & common factors movements).	SLO 1.1 SLO 4.2	CC 1.1.3 CC 1.2.1 CC 1.2.2 CC 5.1.2 CC 5.4.1 CC 6.1.1 TS 01.04 TS 01.05 TS 02.20 TS 03.11	40 Day Challenge Class Discussions PDS Take Home Exam In Class Exam
3. Understand philosophies and best practices for ethical decision-making. Learn to apply a model of ethical decision making appropriate for clinical work	SLO 4.1 SLO 4.2	CC 5.1.4 CC 5.2.1 CC 5.2.2 CC 5.4.1 CC 5.5.2	Class Discussions Take Home Exam In Class Exam
4. Become familiar with family law, family regulating agencies, and actions required of family therapists, (e.g., reporting child abuse & neglect, going to court, responding to subpoenas, working with child protection agencies).	SLO 1.1 SLO 4.1 SLO 4.2	CC 1.1.3 CC 1.2.1 CC 1.2.2 CC 5.1.1 CC 5.1.2 CC 5.1.4 CC 5.2.1 CC 5.2.2 CC 5.4.1 TS 01.04 TS 01.05 TS 02.01 TS 02.06 TS 05.09	Class Discussions PDS Take Home Exam In Class Exam
5. Develop a beginning understanding of the behavioral health care delivery system, its	SLO 1.1 SLO 4.2	CC 1.1.3 CC 1.2.1 CC 1.2.2	Class Discussions PDS

impact on the services provided, the barriers and disparities in the system, and how institutional barriers prevent members of varying cultural and class groups from using/benefiting from mental health services.		CC 5.1.2 CC 5.2.2 CC 5.4.1 TS 01.04	Take Home Exam In Class Exam
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## ASSIGNMENTS AND COURSE REQUIREMENTS

### 1. Full Participation in all classes (30 points)

- ~Attending all classes, being on time, & attentive to discussions/demonstrations
- ~Contributing your thoughts on the class material & discussions in a respectful manner, being mindful not to dominate the discussions or be absent from them
- ~Coming to class prepared (having read/done the assignments for the day)
- ~Fully participating in classroom experiential activities

### 2. Professional Disclosure Statement (10 points)

**DUE OCT 17th**

The PDS is a written document that LPCs, LMFTs, and registered associates must provide to clients in the initial session. This document contains information about the licensee/associate, their practice, and how to reach the Oregon Board of Licensed Professional Counselors and Therapists (OBLPCT). The PDS guidelines can be found on the website – <https://www.oregon.gov/OBLPCT/> Read the Guidelines for Professional Disclosure Statements and prepare a professional document that is presentable to clients and colleagues.

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|-----------------------------------------------------------------------------|----------|
| Writing and professional appearance of PDS (grammar and format)             | 1 points |
| Philosophy/Approach that reflects your systemic and social justice training | 1 points |
| Contains all PDS required elements (found on OBLPCT website)                | 8 points |

### 3. 40 Day Challenge (10 points)

**DUE NOV 7th**

This assignment is intended to help you become more attuned to your personal needs and feelings. This is a 40 day challenge to help you focus on your own health, to incorporate healthy/nurturing behaviors into your daily routine, and to learn more about how to develop healthy habits in your life. This experience should also help you understand how to help clients change some of their unhealthy behaviors. For this assignment, you will keep a log of your daily healthy activities (at least 1 activity per day), at least 1 statement of gratitude for something you experienced each day, and a ½-1 page reflection of the experience. Healthy activities are something that you intentionally do to take care of your health such as exercise, meditation, healthy meal, engaging with friends. Healthy activities are NOT mindless gaming or watching TV, catching up on missed sleep, or doing nothing at home for a day.

### 4. Take Home Exam (25 points)

**DUE NOV 14th**

You will be given a family therapy practice scenario that requires ethical and legal decision making. The Lewis & Clark Community Counseling Center (L&C CCC) policies and procedures manual will be available on the Moodle class site. You will have one week to explore and determine how you would make decisions as a family therapist

and what resources and guidelines you would apply in order to make your decisions. The exam must be returned along with a 4-6 page typed, single-spaced response that includes:

Identification of relevant ethical concerns/dilemmas	5 points
Identification of relevant L&C CCC clinic policies/procedures	5 points
Identification of relevant Oregon state laws	5 points
Identification of applicable ethical codes (AAMFT & ACA)	5 points
Brief description of ethical decision making process you would use	5 points

### 5. Open Book Exam (25 points)

**NOV 28th**

The final exam will be formatted similarly to the MFT National Exam. It will include true/false and multiple choice questions covering the entire scope of the course. You may use books, articles, notes and websites during the exam.

Each of 25 questions will be worth 1 point. 25 points

## EVALUATION AND GRADING

Students **MUST** complete all assignments in order to pass the course. Points will be awarded as follows:

Attendance/Participation	30pts
Professional Disclosure Statement	10pts
40 Day Challenge	10pts
Take Home Exam	25pts
<u>In Class Exam</u>	<u>25pts</u>
<b>TOTAL</b>	<b>100pts</b>

## FINAL GRADING

A = 93-100	B = 83-87	C = 73-77
A- = 90-92	B- = 80-82	C- = 70-72
B+ = 88-89	C+ = 78-79	

***NOTE: All assignments must be uploaded on Moodle prior to the beginning of class on the day they are due. 10% of the possible grade will be deducted for each day an assignment is late.***

According to Graduate School policy, grades lower than B- may not apply to graduation. Students earning a C+ or lower will need to repeat the course.

## TEACHING METHODS

A variety of teaching methods will be used during this course in order to achieve the above objectives. Among those methods will be assigned readings, class discussions, role play/experiential activities, presentations, and lectures.

## READINGS:

Readings are to be completed prior to each day of class as indicated in the schedule below.

Students are expected to be prepared to discuss the ideas and concepts discussed in the readings. You are responsible for all of the assigned readings, whether or not they are discussed in class.

### **CPSY DEPARTMENT ATTENDANCE POLICY**

Class attendance is expected and required. Any missed class time will be made up by completing extra assignments designed by the instructor. Missing more than ten percent of class time may result in failure to complete the class. This would be 4.5 hours of a 45 hour class (3 credits), 3.0 hours for a 30 hour class (2 credits) or 1.5 hours for a 15 hour class (1 credit.) In case of extreme hardship and also at the discretion of the instructor, a grade of incomplete may be given for an assignment or the entire course. In such cases, the work to be submitted in order to remove the incomplete must be documented appropriately and stated deadlines met. Students are expected to be on time to class and tardiness may be seen as an absence that requires make-up work.

### **DISABILITY SERVICES STATEMENT**

If you have a disability that may impact your academic performance, you may request accommodations by meeting with the Office of Student Accessibility and submitting documentation on the Office of Student Accessibility website. Email [access@lclark.edu](mailto:access@lclark.edu) with any additional questions or concerns.

### **NON-DISCRIMINATION POLICY**

Lewis & Clark College adheres to a nondiscriminatory policy with respect to employment, enrollment, and program. The College does not discriminate on the basis of race, color, creed, religion, sex, national origin, age, handicap or disability, sexual orientation, or marital status and has a firm commitment to promote the letter and spirit of all equal opportunity and civil rights laws.

### **DISCLOSURE OF PERSONAL INFORMATION**

The Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) requires the program to have “established policies for informing applicants and students regarding disclosure of their personal information” (COAMFTE Standard 140.02, 2003). Each student should decide for them/him/herself what information to disclose. Students are advised to be prudent when making self-disclosures. The program cannot guarantee confidentiality of student disclosures given the group environment, although personal comments should be considered private and confidential – and remain only in the classroom – unless an exception to confidentiality applies.

### **L&C ESSENTIAL GRADUATE SCHOOL POLICIES**

This course adheres to the general policies outlined in the catalog and student handbook of the Lewis & Clark Graduate School of Education and Counseling. This includes full adherence to the following policies:

- ☐ Nondiscrimination: <https://go.lclark.edu/gsec-nondiscrimination>
- ☐ Standards for professional student conduct and academic integrity: <https://docs.lclark.edu/graduate/policyprocedures/academic/>
- ☐ Sexual misconduct: [https://www.lclark.edu/about/title\\_ix\\_compliance/](https://www.lclark.edu/about/title_ix_compliance/)



## CELL PHONES

Cell phones must be silenced and text messaging is not allowed during class time. If there is an emergency you may exit the class to use your cell.

## COURSE SCHEDULE

DATE/TIME	TOPICS	ASSIGNED REQUIRED READINGS	DUE
SEPT 26	<b>Introduction Syllabus Difference between law and ethics</b>	AAMFT Code of Ethics (2015) ACA Code of Ethics (2014) <b>(Bring Codes of Ethics to every class)</b>	
OCT 3	<b>Mental Health Care System  Informed Consent &amp; Unique Issues in MCFT PDS</b>	Articles: Baumgartner et al., 2020; Cohen Veterans Network, 2018; FTC 2023; O'Grady, 2020; Primm et al., 2010; Schwartz et al., 2021; Varanasi, 2021  Murphy & Hecker Text: Chap 10 and Chap 12	
OCT 10	<b>Informed Consent Cont.  Confidentiality/Privilege ROI, Subpoena HIPAA</b>	Murphy & Hecker Text: Chap 3 and Chap 4  Articles: Ellis, 2012; Woody, 2007; Wulff et al., 2011	
OCT 17	<b>Ethical Decision Making Models Unique Issues in MCFT</b>	Murphy & Hecker Text: Chap 2 and Chap 13  Articles on Ethical Decision Making: Cottone & Claus, 2000 Garcia et al., 2003 Peluso, 2003 (answer questions in table 1 & be prepared to discuss Qs in table 2)	PDS DUE
OCT 24	<b>Mandatory Reporting: Child and Adult</b>	What You Can Do About Child Abuse – by OR DHS  Plus additional readings/resources on Moodle	
OCT 31	<b>Risk Assessment: Suicide/Homicide</b>	Murphy & Hecker Text: Chap 8	

	<b>Clinical Paperwork</b>	Articles: Ferentz, 2002; Freedenthal, 2021; Rontal, 2021; Siegel, 2021; Sommers- Flanagan, 2018, 2021	
NOV 7	<b>Boundaries Client Welfare</b>	Murphy & Hecker Text: Chap 7  Articles: Barrett, 2012; Gottlieb, 2018 Gottlieb, 2019; Gonyea et al., 2014	40 DAY CHALLENGE DUE  TAKE HOME EXAM GIVEN
NOV 14	<b>Distance Therapy Advertising/Social Media Scope of Practice</b>	Murphy & Hecker Text: Chap 14  Articles: Lyford, 2021	TAKE HOME EXAM DUE
NOV 21	<b>Complaint Process – Oregon and AAMFT</b>	Websites: OBLPCT; AAMFT	
NOV 28	<b>Open Book Exam Course Evaluations</b>	Review all readings, lectures, and websites	IN CLASS EXAM