

Lewis & Clark
Graduate School of
Education and Counseling



MCFT 510-01: LEGAL AND ETHICAL ISSUES IN MCFT
FALL 2017

Dates and times: TH 10/19, 11/2, 12/7, 12/14 - 9:00a-5:30p

Place: South Chapel

Instructor: Teresa McDowell, Ed.D., LMFT.

Office Hours: Call CPSY Office to set appointment

E-Mail: teresamc@lclark.edu

CATALOG DESCRIPTION

Legal and Ethical Issues in MCFT is a survey of current issues relating to ethical practice and legal responsibilities in family therapy and counseling. The course addresses issues such as confidentiality, informed consent, dual relationships, and therapist liability. MCFT 510 also includes models for ethical decision making, working with the legal system, and relevant aspects of family law.

COURSE DESCRIPTION

This course is designed specifically to meet the educational requirements for students in the Marriage, Couple and Family Therapy Program. Topics include major trends, legal considerations and ethical issues relative to the practice of relational therapy.

COURSE OBJECTIVES

The following objectives are in keeping with the AAMFT Core Competencies. 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.
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.

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, experiential activities, 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 submitting documentation to the Student Support Services Office in the Albany Quadrangle (503-768-7192). After you have submitted documentation and filled out paperwork there for the current semester requesting accommodations, staff in that office will notify me of the accommodations for which you are eligible.

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 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.

CELL PHONES & COMPUTERS

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. Computers and other electronic devices should be used in class only when required for a class activity or for the limited use of taking notes.

ASSIGNMENTS AND COURSE REQUIREMENTS

1. Participation in all classes (10 points)

- Attending all classes and being on time.
- Giving attention to the instructor and/or other students when they are making a presentation.
- Demonstrating ability to recognize and use subtle non-verbal communication cues to assess your impact on your peers and participate in class.
- Demonstrating ability to be open about discussing the impact of your comments on your peers.
- Coming to class prepared (having read the assignment for the day and watched any assigned videos)
- Contributing to in-class discussion based on the topics and the readings assigned. Contributions may include how you feel about the material but merely articulating your feelings is not sufficient. You are expected to put those feelings in context of your thoughts and analysis of the material.
- Engaging in group discussions with attention and energy.
- Asking questions of the instructor and/or other students regarding the material examined in that class.
- Providing examples to support or challenge the issues talked about in class.
- Making comments or giving observations about topics in the course, especially those that tie in the classroom material to "real world" problems, or try to integrate the content of the course.
- Dealing with other students and/or the instructor in a respectful fashion.
- Listening actively. Students will be asked questions related to the course's readings randomly in class by other students and by the instructor. Your participation in small group discussions is also required.
- Adhering to all Professional Qualities. The form for evaluating Professional Qualities requirements will be distributed in class.

2. Professional Disclosure Statement (20 points) DUE START OF CLASS DEC 7th

The PDS is a written document that an LPC, LMFT, or registered intern gives to clients to tell the client information about the licensee/intern and his/her practice. This

document should state for your future clients what you want them to know about you. The guidelines set forth by the Oregon Board of Licensed Professional Counselors and Therapists (<http://www.oregon.gov/OBLPCT/disclose.shtml>) are a beginning point. Read the “Guidelines for Professional Disclosure Statements” and prepare a professional document that is presentable to clients and colleagues. It is expected that you write a statement that goes beyond the minimum information required by law and reflects your own thinking through what you consider important for informed consent. In addition, submit a 2-page rationale for what information you have and have not included and explain how you decided what to include. Evaluation parameters include:

Writing and professional appearance of PDS (grammar and format)	5 points
PDS fulfillment with OBLPCT guidelines	5 points
PDS reflection of AAMFT and OBLPCT/ACA Codes of Ethics	5 points
Thoughtful consideration of what issues to include/exclude	5 points

3. Take Home Exam (20 points) DUE START OF CLASS DEC 14th

You will be given a family therapy practice scenario that requires ethical and legal decision making. 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 5-6 page typed, double-spaced response that includes:

Identification of relevant ethical concerns/dilemmas	5 points
Use of applicable laws required to make decisions	5 points
Use of applicable ethical codes to make decisions	5 points
Description of ethical decision making process you would use/used	5 points

4. Open Book Exam (50 points) AFTERNOON OF DEC 14th

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 2 points. 50 points

EVALUATION AND GRADING

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

Attendance/Participation	10pts
Professional Disclosure Assignment	20pts
Take Home Exam	20pts
In Class Exam	50pts

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 turned in at the beginning, before class starts on the day they are due. Five points will be deducted for each day an assignment is late.

TEXT AND READINGS

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

Texts

Caldwell, B. (2015). User's Guide to the 2015 AAMFT Code of Ethics.

Murphy, M. & Hecker, L. (2016). Ethics and Professional Issues in Couple and Family Therapy.

Articles

Bernal, A. & Coolhart, D.(2012). Treatment and ethical considerations with transgender children and youth in family therapy. *Journal of Family Psychotherapy*, 23, 287–303.

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

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

Woody, R. (2007). Avoiding expert testimony about family therapy. *The American Journal of Family Therapy*, 35, 389–393.

McDowell, T., Libal, K. & Brown, A. (2012). Family therapy and human rights: Domestic violence as a case in point. *Journal of Feminist Family Therapy*, 24, 1-23.

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

Websites

AAMFT Code of Ethics:

http://www.aamft.org/iMIS15/AAMFT/Content/Legal_Ethics/Code_of_Ethics.aspx

ACA Code of Ethics: <https://www.counseling.org/resources/aca-code-of-ethics.pdf>

Oregon Board of Professional Counselors and Therapists Home Page:

<http://www.oregon.gov/oblpt/Pages/index.aspx>

Oregon Board of Professional Counselors and Therapists Laws & Rules:

<https://www.counseling.org/resources/aca-code-of-ethics.pdf>

Oregon Board of Professional Counselors and Therapists Guidelines for Professional Disclosure Statements: <http://www.oregon.gov/oblpc/Pages/PDS.aspx>

Mental Health Law in Oregon: <http://droregon.org/wp-content/uploads/Mental-Health-Law-in-Oregon-Fourth-Edition.pdf>

AAMFT Legal and Ethical Information:

http://www.aamft.org/iMIS15/AAMFT/Content/Legal_Ethics/Legal_Ethics.aspx?hkey=d6839f03-9445-4f7f-9772-70555a6afe22

AAMFT Legal & Ethics Fact Sheet:

http://www.aamft.org/iMIS15/AAMFT/Content/Legal_Ethics/Fact_Sheets.aspx

AAMFT Best Practices in E-Therapy with Couples:

http://www.aamft.org/iMIS15/AAMFT/Content/Online_Education/Online_Therapy_Guidelines_2.aspx

AAMFT Ethics Complaint Process:

http://www.aamft.org/iMIS15/AAMFT/Content/legal_ethics/Ethics_Complaint_Process.aspx

Oregon State Q & A Regarding Complaints: <http://www.oregon.gov/oblpc/Pages/Investigations.aspx>

AAMFT Tips for Maintaining Ethical Practice:

http://www.aamft.org/iMIS15/AAMFT/Content/Legal_Ethics/Tips_Ethical.aspx

Oregon Board of Professional Counselors and Therapists Investigation and Compliance:

<http://www.oregon.gov/oblpc/Pages/index.aspx>

COURSE SCHEDULE

DATE/TIME	TOPICS	ASSIGNED REQUIRED READINGS	DUE
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<p>OCT 19 AM 9am-1pm</p>	<p>Introduction</p> <p>Human rights & ethical decision-making</p> <p>AAMFT Code of Ethics Standard 1</p> <p>ACA Code of Ethics</p> <p>Model of ethical decision-making</p>	<p>Murphy Text: Ch 1. Introduction</p> <p>Caldwell Text: Ch 1</p> <p>Articles: McDowell, T., Libal, K. & Brown, A. (2012)</p>	
<p>OCT 19 PM 2pm-5:30pm</p>	<p>Ethics in clinical practice</p> <p>Overview of resources for ethical decision making</p> <p>AAMFT Code of Ethics Standards 2 & 3</p>	<p>Murphy Text: Ch 10 Ethics in therapy with Children and Families</p> <p>Caldwell Text: Ch 3 & 3</p> <p>Ch 12: Ethical Issues in Clinical Practice Ch 13: Ethical Issues with Systemic and Social Constructionist Therapies</p> <p>Websites: AAMFT Code of Ethics ACA Code of Ethics</p>	
<p>NOV 2 AM 9am-1pm</p>	<p>Confidentiality/HIPPA</p> <p>Informed consent</p> <p>Release of records</p> <p>Disclosure/PDS</p> <p>Client Rights and Responsibilities</p> <p>AAMFT Code of Ethics Standards 4 & 5</p>	<p>Murphy Text: Ch 4 HIPPA and HITE</p> <p>Caldwell Text: Ch 4 & 5</p> <p>Articles: Ellis, E., (2012) Wulff, E. & St. George, S. (2011)</p> <p>Websites: OBLPCT Home Page OBLPCT Guidelines for Professional Disclosure Statements</p>	
<p>NOV 2 PM 2pm-5:30pm</p>	<p>Legal issues</p> <p>Writing reports</p> <p>Record keeping</p>	<p>Murphy Text: Ch 3: Legal Issues</p> <p>Articles: Woody, R. (2007)</p> <p>Websites:</p>	

		OBLPCT Laws & Rules Mental Health Law in Oregon	
DEC 7 AM 9am-1pm	Reporting requirements Duty to warn Potential harm to self Domestic Violence Dual relationships AAMFT Code of Ethics Standard 6	Murphy Text: Ch 7: Sexuality, Boundaries and Ethics Caldwell Text: Ch. 6 Articles: Bernal, A. & Coolhart, D.(2012) Gonyea, J. & Wright, D. (2014).	PDS DUE
DEC 7 PM 2pm-5:30pm	Child Custody Divorce Parental Rights Scope of Practice AAMFT Code of Ethics Standard 7	Murphy Text: Ch 10: Ethical, legal and professional issues in Mediation and Parent Coordination Caldwell Text: Ch. 7 Websites: AAMFT Legal & Ethics Fact Sheet AAMFT Legal and Ethical Information	TAKE HOME EXAM GIVEN
DEC 14 AM 9am-1pm	Special Topics: Reporting ethical violations Case review Ethics in practice outside the therapy room AAMFT Code of Ethics Standards 8 & 9	Murphy Text: Ch 9: Spirituality and religion Ch 14: Ethical couple and family E-therapy Ch 15: Ethical and clinical issues for home-based therapy Caldwell Text: Ch. 8 & 9 Websites: AAMFT Best Practices in E-Therapy with Couples AAMFT Ethics Complaint Process Oregon State Q & A Regarding Complaints AAMFT Tips for Maintaining Ethical Practice OBLPTC Investigation and Compliance	TAKE HOME EXAM DUE
DEC 14 PM 2pm-5:30pm	Open Book Exam Course Evaluations	Review all readings, lectures, and websites	IN CLASS EXAM