



MCFT 510: LEGAL AND ETHICAL ISSUES IN MCFT FALL 2021

Dates and times: Wednesdays 10/6/21 to 12/15/21

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

Place: York 116

Instructor: Marcia L Michaels, PhD, LMFT

Office Hours: By Appointment, Wed 12:30-1:00pm, 4:00-4:30pm

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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.
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. (2016). *Ethics and professional issues in couple and family therapy* (2nd 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., Aboulaflia, 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.

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

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>

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>

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

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>

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

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

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

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>

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

Course Objective	MCFT Student Learning Outcomes	AAMFT Core Competencies & AMFTRB task statements	Evaluated by
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	LMFT Interview Class Discussions Informed Consent 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	LMFT Interview Class Discussions Informed Consent In Class Exam

		TS 02.20 TS 03.11	
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	LMFT Interview Class Discussions Take Home 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	LMFT Interview Class Discussions Informed Consent In Class Exam
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.	SLO 1.1 SLO 4.2	CC 1.1.3 CC 1.2.1 CC 1.2.2 CC 5.1.2 CC 5.2.2 CC 5.4.1 TS 01.04	LMFT Interview Class Discussions Informed Consent Take Home Exam

ASSIGNMENTS AND COURSE REQUIREMENTS

1. Participation in all classes (12 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)

2. LMFT Interview question from MCFT 502 class (5 points) DUE OCT 6th

This assignment is a 2 page paper that contains brief demographic information on the LMFT you interviewed (1 pt), the ethical/legal question you posed (1 pt), their response (1 pt), and how that information is specifically relevant to you and your practice (1 pt). The paper must be clearly written and demonstrate your understanding of the need to know the laws and codes of ethics of your profession (1 pt).

3. Professional Disclosure Statement (10 points) DUE OCT 27th

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.

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

4. Informed Consent, a group project (23 points) DUE NOV 3rd

The informed consent is both a written document and a process. For this assignment, you will create a document, but you will also practice the initial conversation that one has with clients. The points for this assignment are based upon the quality of the document, and each member of the group will receive the same number of points. All of the information you need to create the document will come from your codes of ethics, class readings, ppt presentation, example documents, and class discussion. Your document must contain, at minimum, the following: your philosophy/approach to therapy (1 pt), your credentials (1 pt), risks/benefits of treatment (1 pt), telehealth (1 pt), limits to confidentiality (5 pts), procedures for communication (e.g., setting/canceling appointments via phone/text/email; social media) (1 pts), fees/billing/non payment (1 pt), late cancel/no show policy (1 pt), emergencies (1 pts), unique aspects of working with minors, couples, & families (3 pts), insurance/diagnosis (1 pt), client files/record keeping (1 pt), consultation and/or supervision (1 pt), and a place for signatures that attest to clients’ understanding and agreement (1 pt). The document must be clearly written so someone with a 5th grade education can understand it, and it demonstrates your understanding of all elements of the informed consent (3 pts).

5. Take Home Exam (25 points) DUE DEC 8th

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

6. Open Book Exam (25 points) DEC 15th

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:

LMFT Interview from MCFT 502	5pts
Attendance/Participation	12pts
Professional Disclosure Statement	10pts
Informed Consent Document	23pts
Take Home Exam	25pts
<u>In Class Exam</u>	<u>25pts</u>
TOTAL	100pts

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 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.

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://graduate.lclark.edu/student_life/handbook/
- 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/

DISCLOSURE OF PERSONAL INFORMATION

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.

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
OCT 6	Introduction Syllabus Difference between law and ethics	AAMFT Code of Ethics (2015) ACA Code of Ethics (2014) (Bring Codes of Ethics to every class)	LMFT INTERVIEW DUE
OCT 13	Mental Health Care System	Articles: Baumgartner et al., 2020; Cohen Veterans Network, 2018; O’Grady, 2020; Primm et al., 2010; Schwartz et al., 2021; Varanasi, 2021	

	Informed Consent & Unique Issues in MCFT PDS	Murphy & Hecker Text: Chap 10 and Chap 12	
OCT 20	Informed Consent Cont. Confidentiality/Privilege ROI, Subpoena HIPAA	Murphy & Hecker Text: Chap 3 and Chap 4 Articles: Ellis, 2012; Woody, 2007; Wulff et al., 2011	
OCT 27	Ethical Decision Making Models Unique Issues in MCFT	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
NOV 3	Mandatory Reporting: Child and Adult	What You Can Do About Child Abuse – by OR DHS	INFORMED CONSENT DUE
NOV 10	Risk Assessment: Suicide/Homicide Clinical Paperwork	Murphy & Hecker Text: Chap 8	
NOV 17	Boundaries Client Welfare	Murphy & Hecker Text: Chap 7 Articles: Barrett, 2012; Gottlieb, 2018 Gottlieb, 2019; Gonyea et al., 2014	
NOV 24	NO CLASS		
DEC 1	Distance Therapy Advertising/Social Media Scope of Practice	Murphy & Hecker Text: Chap 14 Articles: Lyford, 2021	TAKE HOME EXAM GIVEN
DEC 8	Complaint Process – Oregon and AAMFT	Websites: OBLPCT; AAMFT	TAKE HOME EXAM DUE
DEC 15	Open Book Exam Course Evaluations	Review all readings, lectures, and websites	IN CLASS EXAM