



## **MCFT 510: LEGAL AND ETHICAL ISSUES IN MCFT FALL 2020**

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Dates and times: Mondays 10/12/20 to 12/14/20

Section 1: 9:00am-12:00pm

Section 2: 1:00pm-4:00pm

Place: Zoom classroom

Instructor: Marcia L Michaels, PhD, LMFT

Office Hours: by appointment (Mon 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.
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* (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)

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). Dear Therapist: I Google stalked my therapist. *The Atlantic*, Mar 21. (theatlantic.com)

Gottlieb, L. (2019). Dear Therapist: I can't stop thinking about my therapist's Grindr profile. *The Atlantic*, Sep 23. (theatlantic.com)

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

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.

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](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>

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 | SLO 1.1<br>SLO 4.2             | CC 1.1.3<br>CC 1.2.1<br>CC 1.2.2<br>CC 5.1.1<br>CC 5.1.2<br>CC 5.4.1 | LMFT Interview<br>PDS<br>Take Home Exam<br>In Class Exam<br>Class Participation |

|                                                                                                                                                                                                                                                                                                             |                               |                                                                                                                                                                      |                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| practice, and state laws and regulations for the practice of MCFT.                                                                                                                                                                                                                                          |                               | CC 5.4.2<br>CC 5.5.2<br>TS 01.04<br>TS 01.05<br>TS 02.01                                                                                                             |                                                                                       |
| 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<br>SLO 4.2            | CC 1.1.3<br>CC 1.2.1<br>CC 1.2.2<br>CC 5.1.2<br>CC 5.4.1<br>CC 6.1.1<br>TS 01.04<br>TS 01.05<br>TS 02.20<br>TS 03.11                                                 | LMFT Interview<br>In Class Exam<br>Class Participation                                |
| 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<br>SLO 4.2            | CC 5.1.4<br>CC 5.2.1<br>CC 5.2.2<br>CC 5.4.1<br>CC 5.5.2                                                                                                             | Take Home Exam<br>Class Participation                                                 |
| 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<br>SLO 4.1<br>SLO 4.2 | CC 1.1.3<br>CC 1.2.1<br>CC 1.2.2<br>CC 5.1.1<br>CC 5.1.2<br>CC 5.1.4<br>CC 5.2.1<br>CC 5.2.2<br>CC 5.4.1<br>TS 01.04<br>TS 01.05<br>TS 02.01<br>TS 02.06<br>TS 05.09 | LMFT Interview<br>In Class Exam<br>Class Participation<br>Community<br>Resource List  |
| 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<br>SLO 4.2            | CC 1.1.3<br>CC 1.2.1<br>CC 1.2.2<br>CC 5.1.2<br>CC 5.2.2<br>CC 5.4.1<br>TS 01.04                                                                                     | LMFT Interview<br>Take Home Exam<br>Class Participation<br>Community<br>Resource List |

## ASSIGNMENTS AND COURSE REQUIREMENTS

### 1. Participation in all classes (25 points)

- ~Attending all classes, being on time, & attentive to discussions/demonstrations – 9pts
- ~Contributing your thoughts on the class material & discussions in a respectful manner, being mindful not to dominate the discussions or be absent from them – 9pts

~Submit a 1 pg reflection of the readings addressing whatever you find important for you as a clinician (it will be considered late if not submitted prior to class) – 7pts

**2. LMFT Interview question from MCFT 502 class (5 points) DUE OCT 12th**

This assignment is a 1-2 page paper that contains brief demographic information on the LMFT you interviewed, the question you posed, their answer, and your take away from that exchange.

Demo info on the professional you interviewed and the question(s) posed - 1pt

Clearly written paper demonstrating your understanding of the important points - 4pts

**3. Professional Disclosure Statement (12 points) DUE NOV 2nd**

The PDS is a written document that LPCs, LMFTs, and registered interns must provide to clients in the initial session. This document contains information about the licensee/intern, 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) 2 points

Philosophy/Approach that reflects your systemic and social justice training 2 points

Contains all PDS required elements (found on OBLPCT website) 8 points

**4. Community Resource List (8 Points) DUE NOV 23rd**

Choose 2 marginalized groups you want to serve in your clinical practice and/or you know need more affordable and accessible services in the community. Research and identify 2-4 resources that are currently available to them (i.e., service providers or services). Identify institutional/structural barriers that could be eliminated so these groups would receive more appropriate services. Share some of your ideas; get creative; think outside the box.

List 2-4 resources currently available; provide specifics of their services 2 pts/grp

Provide your ideas for ways to increase services 2 pts/grp

**5. Take Home Exam (25 points) DUE DEC 7th**

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 2-4 page typed, double-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 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 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          | 25pts         |
| Professional Disclosure Statement | 12pts         |
| Community Resource List           | 8pts          |
| 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 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/](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/](https://www.lclark.edu/about/title_ix_compliance/)

### **DISCLOSURE OF PERSONAL INFORMATION**

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**

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**

| <b>DATE/TIME</b> | <b>TOPICS</b>                                                          | <b>ASSIGNED REQUIRED READINGS</b>                                                                         | <b>DUE</b>         |
|------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------|
| OCT 12           | <b>Introduction<br/>Syllabus<br/>Difference between law and ethics</b> | AAMFT Code of Ethics (2015)<br>ACA Code of Ethics (2014)<br><b>(Bring Codes of Ethics to every class)</b> | LMFT INTERVIEW DUE |

|        |                                                             |                                                                                                                                                                                                                                                                                                                                                       |                                                           |
|--------|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| OCT 19 | <b>Informed Consent &amp; Unique Issues in MCFT PDS</b>     | Murphy & Hecker Text:<br>Ch 10. Ethics in Therapy with Children in Families<br>Ch 12. Ethical Issues in Clinical Practice (esp pgs 227-229 & 239-41)<br><br>Website: OBLPCT for info on PDS                                                                                                                                                           | REFLECTION PAPER 1 DUE                                    |
| OCT 26 | <b>Confidentiality/Privilege ROI, Subpoena HIPAA</b>        | Murphy & Hecker Text:<br>Ch 3. Legal Issues in Couple and Family Therapy<br>Ch 4. The Impact of HIPAA and HITECH Regulations on the Couple and Family Therapist (don't get overwhelmed by the details in chap)<br><br>Articles:<br>Ellis, 2012<br>Woody, 2007<br>Wulff et al., 2011                                                                   | REFLECTION PAPER 2 DUE                                    |
| NOV 2  | <b>Ethical Decision Making Models Unique Issues in MCFT</b> | Murphy & Hecker Text:<br>Ch 2. Ethical Decision-Making from a Relational Perspective<br>Ch 13. Ethical Issues with Systemic and Social Constructionist Family Therapies<br><br>Articles on Ethical Decision Making:<br>Cottone & Claus, 2000<br>Garcia et al., 2003<br>Peluso, 2003 (ans questions in table 1 & be prepared to discuss Qs in table 2) | PDS DUE<br><br>REFLECTION PAPER 3 DUE                     |
| NOV 9  | <b>Mandatory Reporting: Child and Adult</b>                 | What You Can Do About Child Abuse – by OR DHS                                                                                                                                                                                                                                                                                                         | REFLECTION PAPER 4 DUE                                    |
| NOV 16 | <b>Risk Assessment: Suicide/Homicide Clinical Paperwork</b> | Murphy & Hecker Text:<br>Ch 8. Risk Management in Practice                                                                                                                                                                                                                                                                                            | REFLECTION PAPER 5 DUE                                    |
| NOV 23 | <b>Boundaries Client Welfare</b>                            | Murphy & Hecker Text:<br>Ch 7. Sexuality, Boundaries, and Ethics<br><br>Articles:<br>Barrett, 2012<br>Gottlieb, 2018<br>Gottlieb, 2019<br>Gonyea et al., 2014                                                                                                                                                                                         | REFLECTION PAPER 6 DUE<br><br>COMMUNITY RESOURCE LIST DUE |
| NOV 30 | <b>Distance Therapy Advertising/Social Media</b>            | Murphy & Hecker Text:<br>Ch 14. Ethical Couple and Family E-                                                                                                                                                                                                                                                                                          | REFLECTION PAPER 7 DUE                                    |



|        |                                             |                                             |                      |
|--------|---------------------------------------------|---------------------------------------------|----------------------|
|        | <b>Scope of Practice</b>                    | Therapy                                     | TAKE HOME EXAM GIVEN |
| DEC 7  | <b>Complaint Process – Oregon and AAMFT</b> | Websites: OBLPCT; AAMFT                     | TAKE HOME EXAM DUE   |
| DEC 14 | <b>Open Book Exam Course Evaluations</b>    | Review all readings, lectures, and websites | IN CLASS EXAM        |