

# A principle-based approach to ethics

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Pennsylvania Psychological Association  
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## Acknowledgements

Thanks to Dr. Sam Knapp and the Ethics Committee of the Pennsylvania Psychological Association for permission to use some of the material contained in this presentation, including some of the ethical dilemma vignettes.

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## Workshop Description

Clinical practice that is only in line with the ethics code is ethically adequate. When the practitioner operates out of a core of ethical principles, practice goes beyond the most basic requirements. When all professional behavior and decisions are anchored in an overarching ethical philosophy, the result is ethical excellence (Knapp et al., 2015). We will consider:

1. how we employ ethical principles in every aspect of clinical practice
2. applications of a principle-based ethical approach to everyday problems encountered in our practice
3. new legal developments and their ethical underpinnings

Knapp, S. J., Gaffield, M. C., & Handelman, M. M. (2015). Ethical dilemmas in psychotherapy. American Psychological Association.

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## Learning Objectives

At the conclusion of this program, participants will:

1. Distinguish between ethical codes and ethical principles
2. Describe two examples of situational factors influencing ethical decision-making
3. Describe the steps in principle-based ethical decision-making
4. Discuss one example of a cultural factor in an ethical dilemma
5. Apply a stepwise approach to an ethical dilemma.

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## Additional considerations

- Proposed changes to the *Ethical Principles of Psychologists and Code of Conduct*
- Duty to warn third parties
- Proposed changes to Continuing Education requirements

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## What will you take home today?

As you listen to this presentation, we would like you to identify **three ideas** that you plan to take home with you and can use in your practice.



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## Ethics code vs. ethical principles

### **Ethical standards:**

- A set of rules governing what should and should not be done.
- Following only the list of rules, prohibitions, and obligations, results in the *ethical floor* approach (Knapp et al., 2015).
- This approach focuses on minimal expectations.

Knapp, S. J., Gottlieb, M. C., & Handelman, M. M. (2015). *Ethical dilemmas in psychotherapy*. American Psychological Association.

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## Ethics code vs. ethical principles

### **Ethical principles:**

- Outline abstract principles to guide behavior.
- Articulate the spirit or philosophy underlying ethical requirements.
- Frame thinking about ethics, allowing for adaptation to new circumstances.

Knapp, S. J., Gottlieb, M. C., & Handelman, M. M. (2015). *Ethical dilemmas in psychotherapy*. American Psychological Association.

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"Principles, rules, obligations, and rights are not rigid or absolute standards that allow no compromise.... Principles must be balanced and specified so they can function in particular circumstances."  
(Beauchamp & Childress, 2013)

Beauchamp, T. L., & Childress, J. F. (2013). *Principles of biomedical ethics*. Oxford University Press.

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## Ethical principles (Knapp et al., 2015)

- ✓ Beneficence (providing benefits and balancing benefits, risks, and costs)
- ✓ Nonmaleficence (avoiding causing harm)
- ✓ Fidelity (loyalty to the patient; placing a patient's interests first, keeping promises)
- ✓ Justice (people are treated fairly)
- ✓ Respect for patient autonomy
- ✓ General (public) beneficence (concern for the welfare of society)

Knapp, S. J., Gofflieb, M. C., & Handelsman, M. M. (2015). *Ethical dilemmas in psychotherapy*. American Psychological Association.

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## In sum...

- An **ethically adequate** approach follows the rules.
- **Positive ethics** foster ethical excellence and helps the professional align professional ethics with personal ethics.



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## Positive ethics

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Who do we want to be as psychologists?

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Positive ethics

- Anchors all professional behavior and decisions in an **overarching ethical philosophy**.
- Goes beyond what a professional **does**, to who the professional **is**.
- Considers how the professional can maximize the implementation of their moral values within the scope of their professional roles.
- Incorporates ethical thinking into **all** clinical decisions and actions, rather than only when there is a red flag.
- Results in a higher standard of conduct and higher quality services.

Krapp, S.J., Goffeib, M.C., & Handelman, M.M. (2015). Ethical dilemmas in psychotherapy. American Psychological Association.

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Positive ethics: Competence

Remedial ethics

- Acquiring and maintaining minimal formal qualifications

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## Positive ethics: Competence

### Remedial ethics

- Acquiring and maintaining minimal formal qualifications

### Positive ethics

- Monitoring current competence on ongoing basis and engaging in regular self-care
- Striving for highest standards
- Includes:
  - Emotional competence
  - Multicultural competence
  - Technical skills

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## Positive ethics: Relationships

### Remedial ethics

- Avoiding boundary violations
- Adherence to strict interpretation of rules, including boundary crossings
- Focusing on sexual boundaries
- Avoiding exploitive or harmful relationships

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## Positive ethics: Relationships

### Remedial ethics

- Avoiding boundary violations
- Adherence to strict interpretation of rules, including boundary crossings
- Focusing on sexual boundaries
- Avoiding exploitive or harmful relationships

### Positive ethics

- Striving to enhance quality of all professional relationships
- Understanding issues related to all multiple relationships and that boundary crossings can be problematic – or positive

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## Positive ethics: Consent and empowerment

### Remedial ethics

- Fulfilling legal responsibility to get consent form of Privacy Notice signed

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## Positive ethics: Consent and empowerment

### Remedial ethics

- Fulfilling legal responsibility to get consent form of Privacy Notice signed

### Positive ethics

- Identifying and working with client's goals
- Helping client access needed information to make strong decisions
- Working to maximize client participation with goals and treatment processes

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## Positive ethics: Confidentiality and trust

### Remedial ethics

- Avoiding prohibited disclosures
- Emphasizing legal requirements

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### Positive ethics: Confidentiality and trust

**Remedial ethics**

- Avoiding prohibited disclosures
- Emphasizing legal requirements

**Positive ethics**

- Being transparent in actions and decisions
- Striving to enhance trust
- Understanding nuances that affect decision-making

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### Positive ethics: Empathy and social justice

**Remedial ethics**

- Not discriminating based on gender, race, ethnicity, etc.

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### Positive ethics: Empathy and social justice

**Remedial ethics**

- Not discriminating based on gender, race, ethnicity, etc.

**Positive ethics**

- Being empathic to all
- Remaining aware of the ways that contextual and environmental variables impact clients
- Challenging barriers to success experienced by some
- Promoting success of all clients

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## Guidelines for ethical practice

1. Psychologists are aware of their own needs.
2. Maintain sufficient training and experience.
3. Remain aware of boundaries of competence.
4. Learn community resources.
5. Know ethical standards. Exercise judgment in applying ethical principles.
6. Work from a theoretical framework of behavioral change.
7. Update knowledge and skills through continuing education.

Corey, G. (1991). Theory and practice of counseling and psychotherapy. Brooks/Cole.

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## Guidelines for ethical practice (cont.)

8. Avoid relationships that are a threat to therapeutic relationship.
9. Remain aware of their own values and attitudes.
10. Inform clients about goals, techniques, as well as risks.
11. Recognize the role of modeling in therapy. Attempt to practice what they encourage in clients.
12. Recognize the impact of their own culture on treatment.
13. Have a process for thinking about and dealing with ethical dilemmas.

Corey, G. (1991). Theory and practice of counseling and psychotherapy. Brooks/Cole.

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## The APA Ethics code and its aspirational principles

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## Ethical principles (Knapp et al., 2015)

- ✓ Beneficence (providing benefits and balancing benefits, risks, and costs)
- ✓ Nonmaleficence (avoiding causing harm)
- ✓ Fidelity (loyalty to the patient; placing a patient's interests first, keeping promises)
- ✓ Justice (people are treated fairly)
- ✓ Respect for patient autonomy
- ✓ General (public) beneficence (concern for the welfare of society)

Knapp, S. J., Gofflieb, M. C., & Handelsman, M. M. (2015). *Ethical dilemmas in psychotherapy*. American Psychological Association.

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## Ethical Principles for Psychologists (APA, 2017)

The General Principles are:

- Beneficence and nonmaleficence
- Fidelity and responsibility
- Integrity
- Justice
- Respect for people's rights and dignity



American Psychological Association (2017). *Ethical principles of psychologists and code of conduct*. <https://www.apa.org/ethics/code/>

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## How does culture influence ethical approaches?



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## Ethical Principles for Psychologists

The American Psychological Association (2017) distinguishes between *General Principles* and *Ethical Standards*.

The General Principles ... are aspirational in nature. Their intent is to guide and inspire psychologists toward the very highest ethical ideals of the profession. General Principles, in contrast to Ethical Standards, do not represent obligations and should not form the basis for imposing sanctions. (APA, 2017, p. 3)

American Psychological Association (2017). Ethical principles of psychologists and code of conduct. <https://www.apa.org/ethics/code/>

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## Ethical Principles in Pennsylvania

In Pennsylvania, the State Board of Psychology holds that the General Principles are an integral part of the ethical standards for psychologists.

The General Principles **may be** the basis for disciplinary actions.



Knapp, S. J., Gofflieb, M. C., & Handelsman, M. M. (2015). Ethical dilemmas in psychotherapy. American Psychological Association.

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## APA Specialty Guidelines

- The American Psychological Association has created guidelines covering at least 40 topics and continues to create new guidelines.
- Specialty guidelines are meant to be aspirational.
- In Pennsylvania, these guidelines may be legally enforceable by the State Board of Psychology.

American Psychological Association. (2021). APA-approved standards and guidelines. <https://www.apa.org/about/policy/approved-guidelines>

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## Examples of APA Specialty Guidelines

- Psychological practice with boys and men.
- Psychological practice with girls and women.
- Transgender and gender non-conforming people
- Practice of telepsychology.
- Occupationally-mandated psychological evaluation.
- Child custody evaluations in family law proceedings.
- Treatment of obesity and overweight in children and adolescents.
- Treatment of depression.
- Care and use of non-human animals in research.

American Psychological Association. (2021). APA-approved standards and guidelines. <https://www.apa.org/about/policy/approved-guidelines>

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## Draft of APA Ethical Principles

- Beneficence and Nonmaleficence
- Human and Civil Rights
- Integrity
- Professionalism and Responsibility
- Respect for the Welfare of Persons and Peoples
- Scientific Mindedness
- Social Justice

American Psychological Association Ethics Code Task Force (2020, July 31). Initial draft principles. <https://apps.apa.org/comm/ethics/2020/07/31/InitialDraftPrinciples.pdf>

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## Decision-making

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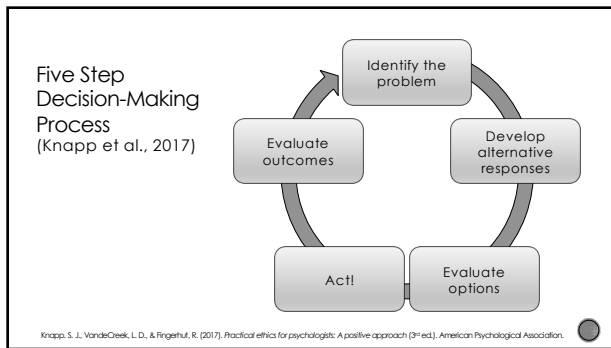
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What gets in the way of *behaving* ethically?

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What gets in the way of *carrying out* an ethical decision?

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## Personal and situational factors interfering with ethical decision-making

- **Fairness:** "I know the right thing to do, but it isn't fair."
- **Compassion:** "I know the right thing to do, but I feel bad for my patient."
- **Paternalism:** "I think my patient is making a bad choice. I know better than my patient."
- **Fear:** "I am afraid of the outcome if I do the right thing."
- **Exceptionalism:** "I can make an exception to the rules in this case."
- **Minimization:** "No one will be hurt."
- **Trauma history:** "I never want someone else to be hurt the way I was hurt."
- **It's a bother:** "Doing the right thing takes more time, or is annoying, or has some other cost."
- **Pressure from others:** "Peers/employer/supervisor/payers/clients want me to..."

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## Ethical conflict

- When two (or more) ethical principles conflict with one another, or when ethical standards don't provide sufficient guidance.
- **Example:** expressed intent to harm or kill someone else
- Some ethical conflicts have straightforward solutions, but others are nuanced and difficult to parse.



Photo by Tumisu, pixabay

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Marguerite (56) was widowed six months ago, after a 27-year marriage. You have worked with her for the past month to help her with her grief and have diagnosed adjustment disorder with depressed mood. She feels much better and believes she is ready to get on with her life. She has decided to sell their home and move to the Florida condo she owned with her late husband.

Marguerite wants to bring her dog. The condominium does not permit dogs, although would do so if her physician or psychologist said that she has a disability and needed her dog as an emotional support animal. She has explained that her psychologist is in Pennsylvania where she lives most of the year. The condominium said they would accept a letter from a Pennsylvania psychologist, as long as the psychologist knows her.

I want my dog!



Photo by HenrietteHaan, pixabay

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Complications

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Changes in continuing education requirements: Diversity

- Professional knowledge in the discipline of psychology that establishes an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language or socioeconomic status. (APA, 2017, Standard 2.01(b))

American Psychological Association (2017). Ethical principles of psychologists and code of conduct. <https://www.apa.org/ethics/code/>

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Duty to warn: What would you do?

- Emerich v. Philadelphia Center for Human Development, Inc.
- Maas v. UPMC Presbyterian Shadyside

J-88-2019  
SUPREME COURT OF PENNSYLVANIA WESTERN DISTRICT  
**Maas v. UPMC Presbyterian Shadyside**  
234 A.3d 427 (Pa. 2020)  
Decided Jul 21, 2020

Pennsylvania Medical Society. (2020). Pa. Supreme Court rules duty to warn extended to neighbors of assault. <https://www.pamedsoc.org/detail/article/duty-to-warn-amica-brief>

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## Do you have a professional will?

- Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death.... (Standard 3.12)
- Psychologists make plans in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (Standard 6.02c)



**San Diego Psychological Association**

Committee on Psychologist Retirement, Incapacitation or Death (PRID)

Guidelines for Preparing Your Professional Will

Closing a Professional Practice: Clinical and Practical Considerations  
Catherine S. Spayd, Ph.D. and Mary O'Leary Wiley, Ph.D.

Both Spayd & O'Leary Wiley (2009) and Committee on Psychologist Retirement, Incapacitation, or Death (2009) are available on the PPA website.

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## Are you vaccinated?

Sanjay (33) has called to set up a first appointment. As part of the initial call, Dr. Hesitant asked about Sanjay's vaccination status. Sanjay replied that he was not vaccinated, but strongly prefers an in-person appointment due to the nature of his concerns. Dr. Hesitant is fully vaccinated but accepts unvaccinated clients only for teletherapy, as her best friend's family developed COVID even though they had been vaccinated.

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## Secure? Intrusive?

Dr. Secure is planning a return to his office but cannot hire a receptionist at this time. He wants to buy a security camera to help him recognize when clients are entering his office. What ethical issues should he consider in his decision-making?



Photo by Peggy\_Marico, pixabay

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## Ethical violations

- The ethic code directs professionals to bring suspected ethical violations to the attention of the individual, if an informal resolution appears appropriate and does not violate confidentiality rights.
- Professionals are mandated to report ethical and legal violations, including impaired professionals, to the appropriate licensing board.
- These responsibilities apply across professions.

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## Ethical violations

- PPA Members have fewer State Board complaints than Pennsylvania psychologists in general (Schultz, 2018). Why?



Schultz, K. (2018). State Board of Psychology disciplinary violations, 2007 thru 2017. Presented at annual convention of Pennsylvania Psychological Association, Valley Forge, PA.

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## What are your insights?

- ✓ From your experience, what kinds of situations call your attention to ethical issues? What kinds of ethical dilemmas have you encountered in your practice?
- ✓ What was helpful in these situations?
- ✓ When have you reached out to colleagues or other consultation resources?
- ✓ What have you learned NOT to do?

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What are three things you will take away from this presentation?

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*Thank you*

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Jeanne M. Slattery: jslattery176@gmail.com

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Pennsylvania Medical Society. (2020). *Pa. Supreme Court rules duty to warn extended to neighbors of assailant*. <https://www.pamedsoc.org/detail/article/duty-to-warn-amicus-brief>

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