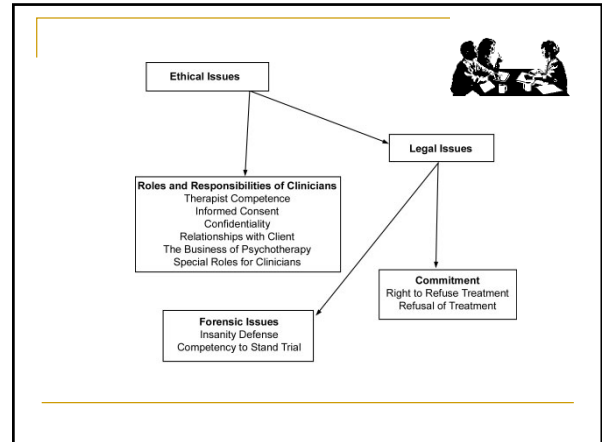


# Chapter 15

## Ethical and Legal Issues



# Ethical Issues

## ROLES and RESPONSIBILITIES OF CLINICIANS

Therapist Competence

Informed Consent

Confidentiality

Privileged Communication



## EXCEPTIONS TO PRIVILEGED COMMUNICATION

Mandated Reporting

Duty to Warn



## RELATIONSHIPS WITH CLIENT'S

The therapist must keep therapeutic boundaries. Most ethical codes forbid romantic and sexual involvement.



## THE BUSINESS OF PSYCHOTHERAPY

### Payment Issues

- Paid by client or, more often, third party.
- Health maintenance organizations and managed care health systems arose to keep insurance affordable.
- Conflicts arise between managed care and client treatment needs.

## SPECIAL ROLES FOR CLINICIANS

- EXPERT WITNESS
- EVALUATION IN CHILD PROTECTION CASES
- GUARDIAN AD LITEM
- EVALUATIONS OF PEOPLE WITH COGNITIVE DISORDERS

ALL HAVE INHERENT ETHICAL DILEMMAS: SOMEONE OTHER THAN THE ONE THEY ARE EVALUATING IS PAYING FOR THEIR SERVICES.

## COMMITMENT OF CLIENTS

### COMMITMENT:

An emergency procedure for the involuntary hospitalization of a person who is deemed likely to create harm for self or other people as a result of mental illness.

## COMMITMENT ISSUES

- BALANCE CLIENT'S RIGHTS WITH CLIENT'S BEST INTERESTS
- RIGHT TO LEAST RESTRICTIVE TREATMENT
- RIGHT TO REFUSE MEDICATION

## Forensic Issues

## INSANITY DEFENSE

The argument, presented by a lawyer acting on behalf of the client, that, because of the existence of a mental disorder, the client should not be held legally responsible for criminal actions.

Contrary to popular belief, this is a legal term, *not* a psychological term.



## INSANITY DEFENSE

In question is the individual's state of mind at the time of the criminal action.

- Unable to appreciate wrongfulness of their conduct and to control their actions due to a severe mental disturbance.
- Generally require *DSM-IV-TR* diagnosis of psychotic disorder, severe mood disorder, dissociative disorder.
- Personality disorder will not be sufficient.

## INSANITY DEFENSE: HISTORY



- M'Naghten Rule
- Durham Rule
- American Law Institute
- Insanity Defense Reform Act



## COMPETENCY TO STAND TRIAL

Whether a defendant is aware of and able to participate in criminal proceedings against him or her.



Mental health professionals play an increasingly important role in the legal system and find they must familiarize themselves with a whole array of forensic issues.

Intersection between psychology and law will continue to grow as society looks for interventions that are humane, ethical, and effective.

