

Beyond the Code: Best Practice in Mental Health Services

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Prov. 11:14 “Where there is no counsel, the people fall; but in the multitude of counselors there is safety.”

Prov. 15:22 Without counsel plans fail, but with many advisers they succeed.

Prov. 24:6 For by wise guidance you can wage your war, and in abundance of counselors there is victory.

1 Corinthians 10:31 ESV So, whether you eat or drink, or whatever you do, do all to the glory of God.

Characteristics of a Profession(al)

- Body of knowledge
- Standards of practice
- Accountability
- Association with other professionals, membership, participation, consultation, supervision
- Life-long learning

Code of Ethics vs. Code of Conduct (defined)

https://en.wikipedia.org/wiki/Ethical_code

- Do no harm
- Practice within the scope of training
- Continue as long as clients derive benefit
- When outside expertise – consult
- Established practice

LMFT SUBCHAPTER 3 RULES OF PROFESSIONAL CONDUCT

86:15-3-1 Responsibility to clients

(f) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

86:15-3-3 Professional competence and integrity

(e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences

(g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.

86:15-3-4 Responsibility to students, employees, and supervisees

(c) LMFTs shall not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

LPC SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

86:10-3-2 Competence

(a) Counseling

LPCs and LPC Candidates shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. An LPC or LPC Candidate shall only practice in a new area when said LPC or LPC Candidate has received the necessary education, training and supervised experience, and shall take steps to ensure the competence of work provided and to protect others from possible harm.

(d) Specialty.

LPCs and LPC Candidates shall not represent themselves as specialists in any aspect of counseling, unless so designated by the Board.

APA Code of Ethics

2.01 Boundaries of Competence

(e) In those emerging areas in which generally recognized standards for preparatory training do not yet exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients and others from harm.

2.04 Bases for Scientific and Professional Judgments

Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards [2.01e, Boundaries of Competence](#), and [10.01b, Informed Consent to Therapy](#).)

10.01 Informed Consent to Therapy

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available and the voluntary nature of their participation. (See also Standards [2.01e, Boundaries of Competence](#), and [3.10, Informed Consent](#).)

Best Practice / Evidence-Based Practice

A **best practice** is a method or technique that has been generally accepted as superior to any alternatives because it produces results that are superior to those achieved by other means or because it has become a standard way of doing things, e.g., a standard way of complying with legal or ethical requirements.

Evidence-based practice (EBP) is an interdisciplinary approach to clinical practice that has been gaining ground following its formal introduction in 1992. It started in [medicine](#) as [evidence-based medicine](#) (EBM) and spread to other fields such as [audiology](#), [speech-language pathology](#), [dentistry](#), [nursing](#), [psychology](#), [social work](#), [education](#), library and information science. EBP is traditionally defined in terms of a "three legged stool" integrating three basic principles: (1) the best available research evidence bearing on whether and why a treatment works, (2) clinical expertise (clinical judgment and experience) to rapidly identify each patient's unique health state and diagnosis, their individual risks and benefits of potential interventions, and (3) client preferences and values [\[1\]\[2\]](#)

Evidence-based behavioral practice (EBBP) "entails making decisions about how to promote health or provide care by integrating the best available evidence with practitioner expertise and other resources, and with the characteristics, state, needs, values and preferences of those who will be affected. This is done in a manner that is compatible with the environmental and organizational context. Evidence is research findings derived from the systematic collection of data through observation and experiment and the formulation of questions and testing of hypotheses" [\[3\]](#)

Empirically supported treatments (ESTs) in some clinical settings are defined as "clearly specified psychological treatments shown to be efficacious in controlled research with a delineated population" [\[4\]](#)

1. Spring, Bonnie (5 June 2007). ["Evidence-based practice in clinical psychology: What it is, why it matters; what you need to know"](#). *Journal of Clinical Psychology* (Wiley Periodicals, Inc.) **63** (7): 611–632. [doi:10.1002/iclp.20373](#). [PMID 17551934](#). Retrieved 17 May 2015.

2. ☐ Lilienfeld SO; Ritschel LA; Lynn SJ; Cautin RL; Lutzman RD (November 2013). "[Why many clinical psychologists are resistant to evidence-based practice: root causes and constructive remedies](#)". *Clinical Psychology Review* **33** (7): 883–900. doi:[10.1016/j.cpr.2012.09.008](#). PMID [23647856](#). Retrieved 18 May 2015.
3. ☐ <http://www.ebbp.org>
4. Chambless DL, Hollon SD (February 1998). "[Defining empirically supported therapies](#)". *J Consult Clin Psychol* **66** (1): 7–18. doi:[10.1037/0022-006X.66.1.7](#). PMID [9489259](#).

"The chances of a standard of care violation not being an ethics violation is zero!" - Bruce Cook, past Psychology Licensing Board President

Top Categories of HPSO Insurance Claim Allegations Against Counselors:

- **Sexual misconduct**
- **Breach of Confidentiality**
- **Beyond scope of practice**

Real Risk Scenarios:

- **Death of a client by suicide – you are accused of negligence**
- **Your long term client is a plaintiff in a lawsuit related to an auto accident**
 - **You receive a subpoena for all of your records, along with a signed Waiver of Confidentiality**
- **You are accused of malpractice**
 - **You become the Defendant**
- **You misdiagnose a client**
 - **You provide treatment for that disorder**
 - **After the client has been in treatment for several months and has paid you a significant sum, the patient sees another provider who finds you made a mistake in your diagnosis**
 - **You are sued**
- **You hear on the news that your client has just committed a spree shooting killing several, and it was discovered you provided treatment right up until the murders**
 - **You are now being sued by multiple family members for negligence resulting in wrongful deaths**
- **Subpoena to court to testify regarding services you rendered**
 - **Asked if you are familiar with ___ Code of Ethics, or ___ standards of practice**
 - **Are you familiar with these standards of care?**
 - **Do you agree with ___ ?**
 - **Do you practice according to ___ ?**
 - **Did you specifically follow ___ guideline in this case?**
 - **Could be related to any kind of treatment you provide: CBT, marital therapy, family therapy, sex counseling for LGBT issues, treatment of depression, diagnosis and treatment of ADHD, the**

treatment of a sex offender, a client with antisocial personality disorder, treatment for autism, treatment for PTSD, etc.

- **You begin seeing a parent and their children**
 - **Through the course of treatment it is revealed that the parents are going through a divorce**
 - **You are told by the adult client that their spouse is an angry, substance abusing, sex addict and neglectful parent, or worse**
 - **You are asked to testify on behalf of the client, and about the effects of the family situation on the child**
 - **You discourage the client from calling you as a witness and explain why**
 - **You get a Subpoena to appear for testimony from the client's attorney**

- **You provide supervision to an LMFT / LPC candidate who worked in a school based therapy setting, they complete required tests and practice hours. You sign off on their final evaluation, recommending them for licensure.**
 - **Did you assess their competence across possible practice areas following licensure?**
 - **The Candidate, now licensed and in private practice, is now providing services in areas you never observed or provided supervision for**
 - **Who is liable for their work?**

Ethics Violation vs. Malpractice

- **Negligence ?**
- **In either case, you will be judged by whether you practiced according to the standards of a panel of your peers**

Association for Behavioral and Cognitive Therapies

Evidence-Based Practice

<http://www.abct.org/Help/?m=mFindHelp&fa=WhatIsEBPpublic>

Cognitive Behavior Therapy

<http://www.abct.org/Help/?m=mFindHelp&fa=WhatIsCBTpublic>

<http://www.ebbp.org/skillsBasedResources.html>

National Association of Cognitive-Behavioral Therapists

<http://www.nacbt.org/>

Standards For Family Court Professionals

Association of Family and Conciliation Courts

<https://www.afccnet.org/>

[Guidelines for Child Protection Mediation \(PDF\)](#)

Association of Family and Conciliation Courts (2012)

[Guidelines for Court-Involved Therapy \(PDF\)](#)

Association of Family and Conciliation Courts (2010)

[Guidelines for Brief Focused Assessment \(PDF\)](#)

Association of Family and Conciliation Courts (2009)

[Guidelines for Parenting Coordination \(PDF\)](#)

Association of Family and Conciliation Courts (2005)

[Model Standards of Practice for Child Custody Evaluation \(PDF\)](#)

Association of Family and Conciliation Courts (2006)

[Model Standards of Practice for Family and Divorce Mediation \(PDF\)](#)

Symposium on Standards of Practice Convened by AFCC (2000)

[Guidelines for Eldercaring Coordination \(PDF\)](#)

Association for Conflict Resolution (2014)

[Standards and Guidelines for Supervised Visitation Practice \(PDF\)](#)

Supervised Visitation Network (Rev. 2006)

Specialty Guidelines for Forensic Psychology

<http://www.apa.org/practice/guidelines/forensic-psychology.aspx>

Assessment and Treatment of Sex Offenders

Association for the Treatment of Sexual Abusers

ATSA Practice Guidelines for the Assessment, Treatment, and Management of Male Adult Sexual Abusers (2014)

<https://www.atsa.com/civicrm/contribute/transact?reset=1&id=38>

Sex Therapy

American Association of Sexuality Educators Counselors & Therapists (AASECT)

<https://www.aasect.org/certification/aasect-requirements-sex-therapist-certification>

Society for Sex Therapy and Research (SSTAR)

<http://www.sstarnet.org/>

American Association of Christian Counselors

Code of Ethics

<http://aacc.net/files/AACC%20Code%20of%20Ethics%20-%20Master%20Document.pdf>

Association for Specialists in Group Work

<http://www.asgw.org/>

Best practice Guidelines:

https://static1.squarespace.com/static/55cea634e4b083e448c3dd50/t/55d3f792e4b08c827e15cb79/1439954834126/ASGW_Best_Practices.pdf

TeleMental Health Standards, Guidelines, Best Practices

<http://telehealth.org/ethical-statements/>

American Association of Marriage and Family Therapy. (January, 2015)

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

American Counseling Association

Code of Ethics 2014

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

American Mental Health Counselors Association. (2015)

<http://c.ymcdn.com/sites/www.amhca.org/resource/resmgr/Media/ethics2015FINAL.pdf>

American Psychological Association. (1997)

APA Statement on Services by Telephone, Teleconferencing, and Internet, A statement by the Ethics Committee of the American Psychological Association

<http://www.apa.org/ethics/education/telephone-statement.aspx>

American Psychological Association. (2010)

<http://www.apa.org/ethics/code/>

Association of Social Work Boards:

Standards for Technology and Social Work Practice

<http://www.socialworkers.org/practice/standards/naswtechnologystandards.pdf>

National Association of Social Workers (2008)

<https://www.socialworkers.org/pubs/code/code.asp>

Best Practices in Counseling Supervision

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=12&ved=0ahUKEwibhaKqz7vMAhWjzoMKHXiZANI4ChAWCB4wAQ&url=http%3A%2F%2Fwww.iup.edu%2FWorkArea%2FDownloadAsset.aspx%3Fid%3D181364&usg=AFQjCNEgXw98R0r3CPdsO3f86nZ0oRfBDg&sig2=qSrPDbQJX-MmNYvYoplXjw&bvm=bv.121070826,d.amc>

https://c.ymcdn.com/sites/www.a4pt.org/resource/resmgr/Resource_Center/ACES_Best_Practices_in_Clini.pdf

Practice Guidelines for Treating Gambling-Related Problems

http://www.divisiononaddiction.org/html/publications/2004_Korn_Shaffer.pdf

National Association for College Admission Counseling (NACAC)

http://www.nacacnet.org/about/governance/policies/documents/spgp_9_2013.pdf

National Eating Disorders Association (NEDA)

<http://www.nationaleatingdisorders.org/treatment-basics>

APA Practice Guidelines:

http://psychiatryonline.org/pb/assets/raw/sitewide/practice_guidelines/guidelines/eatingdisorders.pdf

BEST PRACTICES IN: Oral Contraception Counseling

http://www.obgynnews.com/fileadmin/content_pdf/obn/supplement_pdf/nv7dif3b_BP_Supplement23.pdf

PRACTICE GUIDELINE FOR THE Treatment of Patients With Panic Disorder

http://psychiatryonline.org/pb/assets/raw/sitewide/practice_guidelines/guidelines/panicdisorder.pdf

Best Practice Guidelines for Diagnosis and Treatment of Prenatal Depression

<http://onlinelibrary.wiley.com/doi/10.1002/j.1556-6678.2011.tb00102.x/abstract>

International Practice Guidelines for Post-trauma Mental Health

<http://www.istss.org/treating-trauma/international-practice-guidelines-for-post-trauma.aspx>

<http://www.healthquality.va.gov/guidelines/MH/ptsd/>

In-Home Therapy Practice Guidelines

<http://www.mass.gov/eohhs/docs/masshealth/cbhi/practice-guidelines-ih.pdf>

Methadone Best Practice Guidelines

http://sbhm.org/pdfs/Methadone_Best_Practice_Standards_2011-2012.pdf

Treatment of ADHD

<http://www.cdc.gov/ncbddd/adhd/guidelines.html>

Evidence-Based Practices for Christian Counseling and Psychotherapy

https://www.amazon.com/Evidence-Based-Counseling-Psychotherapy-Association-Psychological-ebook/dp/B00G706FME?ie=UTF8&btcr=1&redirect=true&ref=dp_kindle-redirect

Standards for Use of Therapy Dogs

<http://www.tdi-dog.org/HowToJoin.aspx?Page=Testing+Requirements>

Equine-Assisted Psychotherapy

<http://www.eagala.org/>

<http://www.eagala.org/works>

National Autism Center for the Promotion of Evidence-based Practice

<http://www.nationalautismcenter.org/national-standards-project/>

Practice guideline for the treatment of patients with major depressive disorder, third edition

[U.S. Department of Health & Human Services](http://www.guideline.gov/content.aspx?id=24158)

<https://www.guideline.gov/content.aspx?id=24158>

Play therapy

Substance abuse

Depression

Dangerousness

Assessing Client Dangerousness

<http://socialwelfare.berkeley.edu/sites/default/files/users/gregmerrill/Assessing%20client%20dangerousness%20to%20self%20and%20others,%20stratified%20risk%20management%20approaches,%20Fall%202013.pdf>

<https://www.ncjrs.gov/pdffiles1/Digitization/54291NCJRS.pdf>

Infidelity

Infidelity Treatment Patterns: A Practice-based Evidence Approach

W. Jared Dupreea, Mark B. Whiteb, Charlotte Shoup Olsena & Camille T. Lafleura

The American Journal of Family Therapy

Volume 35, Issue 4, 2007, pgs 327-341