

Ethics Code Task Force (ECTF) Meeting Summary – May 19-20, 2022

The Task Force began its May 19-20 all-day meetings with a review of previous issues that had been discussed and those that remained to be resolved related to the following two principles: a) Integrity; and, b) Interrelatedness of Peoples, Systems, and the Environment. As a reminder to those reviewing these notes, the following notes provide a brief review of the discussions by the Task Force members, however, the following notes do not reflect all the points nor the extensive discussions by members related to the various concepts to be included in the revised Code.

In its discussion of the principle, Integrity, the Task Force members reviewed and discussed several issues related to the structure of the principles and the sentences and bullet points currently included in the principle. Amongst the issues discussed were the following: a) the addition of concepts related to cultural competence and cultural humility; b) the inclusion of several concepts that might be identified as standards; c) the revision of several sentences to better represent the intent of the principle. Following its discussion of the principle, Integrity, the Task Force members reviewed several issues from previous meetings that focused on the principle of Interrelatedness of Peoples, Systems, and the Environment. Amongst the issues discussed related to this principle were the following: a) should the concept related to environment be incorporated as a principle or within the standards; and, b) the definition of the environment (it was accepted that “environment” will be referred to the “natural and physical”).

Next, the Task Force returned to its previous discussion on sexual misconduct as a standard. In its discussion, members were reminded that during a previous meeting of the Task Force, the 2-year timeframe for contact with the client/patient was retained related to clinical work. However, several questions arose related to the application of the 2-year timeframe for those not working in clinical settings (i.e., psychologists working in corporate environments) and how this concept and how the standard might apply to former and present clients/patients would be addressed. There were a number of additional situations related to this concept that were discussed during the meeting (i.e., relationships in educational situations, researchers, employee and employer situations); and a discussion/question arose of how many of these scenarios that were discussed at the meeting are covered by other aspects of the Code, such as conflict of interest, multiple relationships, etc. During its discussion, several members noted, that if a new standard/rule is created, there will be a need for a clear rationale that reflects a change in the rule, in addition to, how the standard describes the distinction between clinical and non-clinical psychologists related to the 2-year rule. During the discussion related to how this standard might be applied, it was noted that there is no state that makes the distinction related to the clinical and non-clinical psychologist.

Following its discussion of the standard related to sexual misconduct, the Task Force discussed the principle of Beneficence and Nonmaleficence. During its discussion of this principle, the Task Force discussed the separation of these two concepts as two distinct principles: several task force members noted that other professions (i.e., healthcare, medicine) separate these concepts in their ethics code. After an extensive discussion, the Task Force members decided to separate these concepts as two principles. It was noted that a sentence will be added that contains a definition of the terms (beneficence and nonmaleficence) in each of the descriptive paragraphs introducing the principle. In addition, language will be added that reflects a clear statement that one concept is not the opposite of the other concept in application (i.e., if you do not act with beneficence does not mean that you are acting with nonmaleficence). The revised principles will be discussed by the Task Force at a future meeting.

As part of its discussion of the principles, the Task Force reviewed once again the consideration of five criteria for the principles and if each principle met the following five criteria: prescriptivity, universalizability, overridingness, publicity, and practicability. The Task Force members noted the usefulness of the review of the criteria and this review will continue in future discussions of the principles.

The May meeting also provided the opportunity for the Task Force to discuss an initial decision-making model to include as an addendum to the revised Code. Among the points discussed by the Task Force were the following: a) should the model be self-reflective rather than case-centered; b) should the model be more process orientated or content orientated; c) the possible need for two models, one of which might be utilized by clinicians and an additional model to be utilized by researchers, educators, etc.; d) the inclusion of considerations related to practice guidelines; e) the inclusion of the concept of documentation when decision-making occurs; f) the inclusion of the concept of relevant research or evidence-based practice; and, g) the inclusion of considerations related to when standards and/or legal issues are in conflict.

Review of the Task Force Meeting Discussions with Liaisons: As the Task Force has done in the past during its full-day meetings, the Task Force invited liaisons from various APA groups (i.e. Boards and Committees, Divisions) to join the Task Force in a discussion hour at the end of the meeting. Appointed liaisons were invited to register to participate in the open meeting discussion that occurred from 4:00-5:00 pm (eastern time) on both May 19 and May 20, 2022. The following notes represent the issues and discussions that happened on both May 19 and May 20, 2022.

During the discussion with the liaisons on May 19, the Task Force members provided a review of the discussion of the work done during the day, including the discussion related to the following: a) the integrity principle; b) inclusion of environment; and, c) sexual misconduct concepts. Several questions and concerns arose from the liaisons that centered on addressing the following issues within the Code: a) concerns related to relationships and timeline in the standard outlining sexual misconduct; b) issues that arise related to employer/employee and possible exploitative relationships; c) issues related to the provision of therapy through technology; and, d) the need to specifically define the scope of sexual conduct (and sexual misconduct) and how these concepts may be addressed in the use of technology.

During its discussion with liaisons on May 20, the Task Force once again provided a review of its work during the day, including the work done on the principles of beneficence and nonmaleficence, discussions related to a decision-making model, and a brief review of the standard that will reflect the relationship of the psychologist with the public. Among the questions asked by the liaisons were the following: a) will the Code include concepts related to professional vs personal attitudes related to environment (in addition, to other issues, such as social media); b) the inclusion of the concept of coaching within the standard related to the relationship of the psychologist with the public; and, c) will concepts and statement that focus on cultural competence and cultural humility be included in the Code. Several members of APA Divisions shared perspectives from member psychologists related to concerns and issues that might be included in revisions to the Code including the following: a) the different roles that psychologists fill in systems, particularly in school systems; b) how psychologists must address electronic data and research concerns, such as those related to social media and the interface between technology and research; c) issues related to education and training.

The meeting ended with a reminder to everyone that the next full-day meetings of the ECTF will be November 3 and 4, 2022.