ETHICS EDUCATION & RESOURCE COMMITTEE

PROCEDURE MANUAL
NJPA Executive Board approval on 12/14/18
NEW JERSEY PSYCHOLOGICAL ASSOCIATION
ETHICS EDUCATION & RESOURCE COMMITTEE
PROCEDURE MANUAL

OVERVIEW & PURPOSE OF COMMITTEE:

The Ethics Education and Resource Committee of the New Jersey Psychological Association offers free, confidential feedback exclusively to NJPA members concerning ethical questions that may arise in the course of their practice. The information provided by the Ethics Committee is designed to assist NJPA members to better understand ethical issues arising out of the practice of psychology in an educative and consultative manner. The information provided by the Ethics Committee should not be relied on as legal advice, and is not a substitute for consultation with a licensed attorney.

The primary role of the Ethics Committee is to promote ethical behavior and to help NJPA members by providing education and support in ethical decision making. The Ethics Committee is not authorized to respond to inquiries regarding questions of law. Please note that we give general feedback regarding questions under the APA Ethics Code, but cannot provide legal advice, or clinical or risk management consultations. For those questions, you will need to speak with a licensed attorney, another clinician, or your insurance carrier. In addition, the feedback we provide is dependent upon the facts you give us; additional or different facts could alter the analysis.

Our best efforts shall be made to maintain the anonymity of your inquiry, however your identity may be known to one or more members of the committee and a record of all consultations shall be maintained at NJPA Central Office.

If you have any questions about the laws, rules, and regulations governing the practice of psychology, you should consult with the New Jersey State Board of Psychological Examiners www.njconsumeraffairs.gov/psy/ or a licensed attorney.
**GOALS:**

To provide consultation to psychologists who have questions regarding ethical issues. Efforts are made to address requests for information within 24 hours.

To inform psychologists regarding ethical principles and conduct by publishing educational articles in various NJPA publications.

To educate psychologists regarding ethical principles and conduct by organizing various continuing education opportunities.

To promote ethical standards of practice for NJPA members by suggesting new procedures or actions for the NJPA Executive Board’s consideration.

**COMMITTEE MEMBERSHIP:**

The Committee shall be composed of at least five members, one of whom shall serve as Chair of the Committee. The Committee shall strive to have a diversity of members representing a range of expertise and career levels, including Early Career Psychologists and Student-Representatives, when available.

The Committee members, including the chair, shall be appointed by the NJPA President with approval of the Executive Board. The term of the Committee members, including the chairperson, shall be for three years, with the option to renew for another three year term subject to approval.

Criteria for membership on the Committee include:

- Member/Senior Member/Emeritus Member in NJPA with a doctoral degree in Psychology or a license to practice psychology - or Graduate Student Member of NJPA enrolled in a doctoral program in psychology.
- Committee Members may conduct telephone consultations if they have practiced as a licensed psychologist for at least 2 years, including membership on the Committee for one year.
- Evidence of ethical practice and competent professional judgment as informed by reliable sources.
- Evidence of ability to work as part of a cooperative/collaborative team as informed by reliable sources.
- Respect for inclusiveness in terms of theoretical orientation, age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability and socioeconomic status, as defined in NJPA’s mission statement.
- Willingness and ability to contribute to the functions of the Committee such as publication of articles and providing presentations at NJPA conferences and other venues. Attendance at regular monthly meetings. Satisfactory background, i.e., no record of disciplinary action or consent order issued by the APA, New Jersey Board of Psychological Examiners (“NJBPE”), or other state, provincial or territorial psychology licensing board.
  - Candidates must complete the questionnaire concerning disciplinary actions. (See Attachment #1: Ethics questionnaire)
  - Candidates must provide a biographical form with curriculum vitae to the Central Office. (See Attachment #2: Biographical Form).

**MEETINGS OF THE COMMITTEE:**

The presence in person or by proxy of a majority of the Committee members constitutes a quorum. A quorum of the Committee is required to conduct business of the Committee.

The Committee shall meet monthly (except for July/August), or as often as the Chair and the majority of the members determine is necessary to address the issues that come before the Committee.

**LIABILITY PROTECTION OF MEMBERS:**

NJPA shall ensure that all Committee members are covered up to $5000 by applicable Directors & Officers (D&O) insurance with respect to liability he/she may incur in carrying out his/her authorized functions as a Committee member.

**CONFLICT OF INTEREST:**

In order to facilitate objectivity in deliberations regarding ethical issues, it is understood that any Committee member involved in a deliberation who has a conflict of interest with the caller or the issue being discussed will declare this relationship or conflict and recuse him/herself from any active involvement in deliberations with respect to the call, and refer the request back to the Executive Director or Committee Chair.
CONFIDENTIALITY:
The Chair shall ensure that all information and deliberations pertaining to calls be kept confidential. All Committee members except consultants, and other NJPA employees having contact with a particular caller or knowledge regarding the request, shall maintain appropriate confidentiality, subject to the requirements of applicable state and federal laws, regulations, and legal process. Information regarding the identity of callers and the nature of deliberations by the Committee shall not be disclosed to any other persons or agencies. All confidentiality requirements hereunder shall be subject to applicable federal and state laws, regulations and legal process.

PROCEDURE FOR HANDLING MEMBER CALLS (REQUESTS FOR CONSULTATION):
Calls are initiated when an NJPA member contacts the Central Office for consultation. The Central Office staff member responding to the call shall first determine if the caller is an active member of NJPA, and if so, shall refer the caller to Executive Director or his/her designee.

The Executive Director or his/her designee shall handle the call, or if deemed appropriate and the caller agrees, shall inform the caller that a committee member will make an effort to contact them within 24 hours. The ED or designee shall then contact the committee chair via email with a summary of the call, using the form titled Inquiry to NJPA Ethics Education and Resource Committee (See Attachment #3), protecting identities by using either initials or encrypted software. The chair shall then assign the appropriate committee member to handle the call or use the on-call rotation for general issues. The assigned committee member will review the Consultation Preparation Sheet (See Attachment #4) and then contact the caller and schedule a time for the consult. The ED and chair have the discretion to modify this procedure to create a process that works best for both of them, while maintaining an adequate level of confidentiality for the caller.

The Committee member shall review the information provided and respond to the psychologist requesting information. The Committee member shall help the caller think through the ethical decision making process and may offer guidance concerning the ethical issue. The Committee member shall also recommend that
the caller consult with other trusted colleagues as well as his/her attorney, and/or his/her professional liability insurance carrier in cases that may involve legal matters. If the Committee member is uncertain as to how to proceed with the ethical issue, he/she shall collect the necessary information and inform the caller that he/she will consult with other Committee members and follow up with him/her. The Committee member will also inform the caller that the call will be documented and presented at the next Committee meeting. Upon Committee review, the Committee member presenting the issue shall contact the original caller with any additional input recommended by the Committee. In addition, the Committee member shall complete a “Consult Summary Form” (See Attachment #5) to document a brief record of the nature of the consult. This form will be submitted to the Executive Director to be filed in the confidential Ethics Committee file in Central Office.

In the event that there is a call from a psychologist who is inquiring about a member–to-member issue, the Executive Director or designee shall handle the call in the same manner as all other calls. The caller will be informed that he/she also can choose among the following options:

1. The caller, when possible, should first talk to his/her colleague about his/her concerns and attempt to resolve the issue directly.
2. The caller can contact the APA Ethics Department (202-336-5500) and file a complaint. The APA Ethics Department may adjudicate the complaint.
3. The caller can file a formal complaint with the New Jersey Board of Psychological Examiners - (973-504-6570). They will perform an extensive investigation and decide if there has been a violation.

In the event that a consumer calls the NJPA office with an ethical complaint, the caller shall be referred to the NJPA Executive Director, who shall inform the caller that NJPA does not adjudicate ethical complaints and advise him/her that the APA and NJBPE handle such issues.
RECORDS:
NJPA shall maintain records for archival, educative and other legitimate purposes.

Ethics files shall be maintained for seven years from the date of creation or last amendment or supplement. Records involving children shall be maintained for seven years or until the child turns 20, whichever is later.

Hard copies of consent orders sent to NJPA by the NJBPE Examiners shall be reviewed by the Committee to identify themes as a basis for developing educational programs and/or articles to assist the membership in implementing the ethical principles. If information is received by the Committee from the NJBPE or the APA concerning issues affecting a member’s licensure or conviction of a felony, the issue shall be referred to the NJPA Executive Board for action according to the most current version of the NJPA By-Laws.

NJPA acknowledges that portions of this procedure manual have been adapted from the procedure manuals of the Maryland Psychological Association and the Ohio Psychological Association. This procedure manual was approved by NJPA’s Executive Board on December 14, 2018.
Attachments:

#1 Ethics Questionnaire
#2 NJPA Biographical Form
#3 NJPA Ethics Education & Resource Committee Inquiry/ Consult Form
#4 NJPA Ethics Education & Resource Committee Consultation Prep Sheet
#5 NJPA Ethics Education & Resource Committee Consultation Summary Form
Attachment #1
ETHICS EDUCATION & RESOURCE COMMITTEE QUESTIONNAIRE

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. Are you presently the subject of any investigation or disciplinary action (of any form, including, but not limited to, suspension or revocation of license, reprimand, etc.) by any national, state, local, or professional agency, board or organization?

   Yes____No____ (If yes, provide detailed information as to each such circumstance.)

   __________________________________________

2. Has any complaint or allegation of ethical or professional misconduct against you been brought, or is pending, even if expunged, before any ethical board, agency, judicial tribunal, professional organization or employer, which has not been dismissed for lack of cause?

   Yes ___   No ___ (If yes, what was the disposition of said allegation?)

   __________________________________________

3. Are you presently the defendant in any lawsuit wherein claims are asserted against you for malpractice or breach of duty?

   Yes___No____ (If yes, provide detailed information as to each such circumstance.)

   __________________________________________

4. Have you ever been the defendant in any lawsuit wherein claims were asserted against you for malpractice or breach of duty and wherein judgment was rendered against you, even where the terms of the settlement are confidential?

   Yes___No____ (If yes, provide detailed information as to each such circumstance.)

   __________________________________________

(NOTE: The answers to these questions will be kept confidential by the Executive Director of NJPA and the Chair of the Ethics Education & Resource Committee, which, with the Executive Board, is charged with reviewing and approving your nomination.)

I attest that all of the above information is accurate.

Please print your name ________________________________

Signature_________________________ Date ____________
Please complete this form, include a copy of your CV, and send it to the NJPA Central Office.

Name: _______________________________ Email: _______________________________

County: ________________________________________________________________

Please check specific topic areas of expertise:

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<th>Very Knowledgeable</th>
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<td>Business of Practice</td>
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<td>Multi-Cultural Issues</td>
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<td>School</td>
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<td>Other</td>
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I understand the commitments and am available to begin (date): Yes __  No ___
Attachment #3
NJPA Ethics Education & Resource Committee Inquiry/ Consult Form

Name of Caller ____________________________________  Phone # __________________________

Summary of Concern___________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Disposition __________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Or Referred to Ethics Committee

Signature__________________________________  Date_______________________________

Additional Information:_________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Disposition:____________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Signature ____________________________________  date________________________________

e-mail to: NJPAkbs@Psychologynj.org (encrypted or use initials) or fax to NJPA 973-243-9818 Attn.
DPA
Once you get the member’s information contact them as soon as possible (end of business day M-F) to arrange a mutually convenient time for the consult.

Prepare for the consult, by first checking the Ethics Code, and then the APA Ethics Code Commentary and Case Illustrations. Feel free to contact committee members for additional information and perspectives.

Introduce yourself as a member of the committee, responding to their recent inquiry about an ethical situation and say “While I will guide you through the ethical decision-making process, ultimately you will determine how to proceed. Though we make every effort to keep this information confidential, there will be a brief record of this discussion and we may discuss the issue with other committee members for additional input.”

Get as much information as you think you need to be helpful. Do not accept identifying information about the other people involved in the ethical dilemma (patients or other professionals). Your role is to help the members through the process of ethical decision making, not make the decision for them. You want to help them sort through the issues, perhaps asking “what if” questions. Try to bring them to some resolution or action plan. If appropriate, ask them if you can bring this to the committee for additional input. Remind them that they may call back if they have additional questions about the issue.

Frame the dilemma in terms of these four constructs: Ethical, Clinical, Legal, and Risk Management.

If the issue is clinical, encourage them to discuss with a supervisor or other colleagues.

If this is a legal issue, have them consult with an attorney.

If this is a risk management issue, have them contact their malpractice carrier.

Remind them that this is your perspective and not that of the Ethics Committee or NJPA and they might want to discuss this with other colleagues as well or, provided they are members of APA, they can consult with the APA Ethics committee at 1-800-374-2721 between 2-4p.m. each business day.

Fill out the Consultation Sheet and return to NJPA

Email to: NJPAkbs@Psychologynj.org (encrypted or use initials) or fax to NJPA 973-243-9818 ATTN: Keira Boertzel-Smith
Attachment #5

Ethics Education and Resource Committee Consultation Summary Sheet

Statement of the Ethical Dilemma:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Summary of the Consultation:

________________________________________________________________________
________________________________________________________________________
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Recommendation and/or Referral:

________________________________________________________________________
________________________________________________________________________
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________________________________________________________________________
________________________________________________________________________

Name: ___________________________
Date: ___________________________

Please send form to NJPAkbs@Psychologynj.org (encrypted or use initials) or fax to NJPA 973-243-9818 ATTN: Keira Boertzel-Smith