Welcome to living proof a podcast series of the University at Buffalo School of Social Work at www.socialwork.buffalo.edu. Celebrating 75 years of excellence in social work education. We're glad you could join us today. The series Living proof examines social work research and practice that makes a difference in people's lives. The University of Buffalo School of Social Work is celebrating 75 years of transforming lives and communities. We would like to invite you to be part of the celebration. Please visit our website www.socialwork.buffalo.edu to see a full list of events marking our seventy fifth year leading up to the gala celebration this is your host Adjoa Robinson. Today's podcast features a discussion with Dr. Frederic Reamer on ethics and social work. Dr. Reamer is a professor in the School of Social Work at Rhode Island College where he has been on the faculty since 1983. His areas of expertise include social work ethics forensics social work criminal justice as well as research and program evaluation Dr. Reamer has served as a social worker in correctional and mental health settings and in several state and national posts including as director of the National Juvenile Justice assessment center of the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. As senior policy adviser to the governor of Rhode Island as a commissioner of the Rhode Island Housing and Mortgage Finance Corporation the state housing finance agency and on the state of Rhode Island parole board. Dr. Reamer's scholarly work has included serving as editor in chief of The Journal of Social Work Education from 1990 to 94.

Chair of the national task force that wrote the code of ethics adopted by the National Association of Social Workers in 1996 and is currently editor of the Columbia University Press foundations of social work knowledge book series Dr. Reamer has written numerous books chapters and journal articles on the subjects of risk management criminal justice professional ethics and social work ethics and values including chapters in the encyclopedias of Social Work bioethics and applied ethics. His most recent book The Social Work ethics casebook cases and commentary is in its third edition and was published by NSW press March 2009. It is considered the leading introduction to professional values and ethics and social work. Dr. Reamer was interviewed by Steven Schwartz an affiliate research associate at the Buffalo Centre for Social Research and the Research Institute on Addictions at the University at Buffalo. As a note to our listeners be advised that at times the sound quality of this podcast varies. We apologize and thank you for bearing with us. Now here's a conversation with Dr. Frederic Reamer Good morning Dr. Reamer. Pleasure to have you on the podcast. The School of Social Work and we know that you're an expert on ethical issues. Can you tell me first how did you first become interested in ethical issues in social work. Well first let me thank you for the invitation. I'm delighted to join you. The short version is that in the 1970s late 1970s I was finishing up my doctoral work at the University of Chicago and most of my career had focused on issues related to criminal justice and corrections. Areas that I still continue to be very concerned about.
National Association of Social Workers. That's all there was and as I was reading in the literature I discovered that there was an emerging field outside of social work focusing on ethical issues in the professions primarily healthcare and we now know this is the field of bioethics in the late 70s it was just getting started and the light bulb went on in my head that social work ought to address these issues as well.

And so I started to ask around at the University of Chicago to find out who was exploring these issues and discovered that there were several scholars in the philosophy department in the medical school who were on the cutting edge of this bioethics field and I decided to spend some of my time toward the end of my own doctoral education learning about moral philosophy. I had had a little bit of background typical undergraduate course nothing very substantial and the more I read the more I talked with people about ethical issues in general unrelated to social work. I began to realize that there was an enormous collection of ethical challenges in our field and that's how it got started and decided to educate myself I crammed it as much coursework as I could before my doctoral work was completed. While I continue to finish up my social work course work and that's how it all started. And so that was you know 30 some years ago and it hasn't stopped. And most emerging professions begin to adjust the challenge of ethical standards as a way of defining a profession and to go from one page to 27 pages in the latest code of ethics is an interesting evolution that we can talk about a little more. In what way since that time have the ethical standards and social work changed. Well it's quite a remarkable shift and I've been quite privileged to have observed this evolution and to have been intimately involved in it. As I mentioned just a few moments ago the very first code of ethics adopted by the National Association of Social Workers was one page long. It was ratified in 1960 and that code was very much like a Hippocratic oath very much like a pledge of allegiance if you will not unlike codes in other professions because that's where professional ethics was in virtually all of the professions fairly superficial fairly simplistic.

The second code of ethics adopted by the National Association of Social Workers was enacted in 1979. So the first code lasted about two decades. And that second code a much more substantial. The code task force was chaired by Charles Levy who was at Yeshiva University who was one of the leading scholars doing work on social ethics at the time and that code certainly expanded our understanding of issues related to confidentiality and self-determination and so forth and that code did not contain one word about for example social workers relationships with former clients. That code did not say one word about boundary issues as we now understand them today. That code did not say one word about electronic communications between social workers and their clients. And what happened is in the late 80s early 90s there was this growing awareness that ethical challenges in social work were changing rapidly and becoming much more complex and by the early 90s there was emerging consensus that we needed to re-examine our code of ethics. I chaired a taskforce that recommended a handful of changes in the early 90s and one of the outcomes of that task force was an agreement that we needed an entirely new code of ethics and I was privileged to have chaired the national taskforce that wrote the what is now the current code of ethics. And our group began its work in 1994 and we knew then that we had to rethink ethics. We did not we did not tweak the code of ethics from 1979. We didn't conduct moderate surgery.

We decided we had to start over completely and so we spent two years many many meetings crafting what is now the NASW code of ethics and as you said we have moved from a one point code to 27 page code with only one code in between. And we tried to keep it short. We now address issues related to social workers relationships with former clients. We address issues related to electronic communications. We address issues related to the confidentiality of clients records when they die. There are so many issues addressed in this code that in 1960 1979 we couldn't have even imagined. And those are examples I think compelling examples of how our thinking has evolved changed and in many ways matured. It's a very comprehensive code and the nice thing about it is the National Association really makes that part of Social Work identification and the
students that I've seen if they haven't committed to memory all of that at least know that the code of
dconduct exists and if I can add to that one of the features of the current code which is new. It was
not in the 60 code it was not in the 79 code is an explicit statement of social work's mission. One of
the things I decided when I began my work as chair of the task force is that it was time for social
work to articulate in a formal mission. We spent a lot of time crafting the language for that
statement. And so our current point of ethics for the first time operates a mission statement which
for social work education purposes to which you just referred I think is critically important and in
addition the current code has a section in it for the first time that articulates core values in fashion
and I could spend hours talking how we arrive at that list.

[00:12:08] The literature we reviewed the discussions we've held to try to refine that list but the
bottom line is the current code identifies core values for this profession for the first time in social
history and I think that's critically important for social work education as well as for the profession
more broadly just as a reminder values include service social justice dignity and worth of the person
important in human relationships integrity and confidence and I think helped define the principles
and the rules themselves may change over time. But the principles and constant and let me add that
we didn't just sit in a room and quickly write out those words on a flip chart and insert them into a
code of ethics. In fact that list is the culmination of months of work where members of the
committee literally reviewed every piece of literature we could find on social work values. I
remember standing in front of a group with a flip chart and listing every single core value we could
identify in every piece of social literature we could identify and we set out to try to reduce that very
long lists that had some redundancy in it as you would imagine to reduce that very long list to a
course values. What statisticians would call doing a factor analysis take a lot of data using a very
manageable core sense values and to continue. You mentioned that over the 20 years there were a
number of issues that weren't addressed that you didn't address the 1996 1999. What do you think
are the most challenging ethical issues facing today's social worker that you may or may not have
addressed completely in the last editions.

[00:14:01] Yeah well it's a great question and I would say the plunging Ishy fall under two headings
one heading includes long standing issues issues that social workers have wrestled with ever since
the inauguration of the profession in the late 19th century but that have new twists. So when
example would be social workers have always understood that Klein confidentiality is the key value
and and we have developed ethical standards around them and social workers today fully
understand that clients who share private information with social workers have a right to
confidentiality and that social workers have a duty to protect that information and that there are
occasional exceptions to that as all of us know. In instances where we suspect abuse or neglect of a
child or an elderly person or a person with a disability or a client who's psychiatrically unstable and
threatens to harm a third party. So we've worked out a lot of this over the years. But here's the new
twist that those issues were understood when the 1979 code was enacted in 1979. No social worker
had ever heard of HIV or AIDS HIV and AIDS did not emerge until the early 80s. Well in my
career I've been involved in several cases where a client discloses to a social worker confidentially
that he's HIV positive and the social worker knows that the client has been sexually involved with a
partner who is also a client of that same agency. They met at the agency for a variety of complicated
reasons psychodynamic or otherwise. The client has not yet shared with his sexual partner also
declined to that agency that he is HIV positive he claims he loves her.

[00:15:55] He knows he needs to share this information so she can protect herself and the client
talks about how he would want to do anything to harm her. He'll be very careful in the future and all
of that and the social worker uses the remarkable clinical skills that she developed that the Bubi
School of Social Work and tries to get that client to a point where he's able to share this
information. But this client for various reasons doesn't share that information and the social worker
has to decide whether the ethical duty is to protect that client's right to privacy or if the social
worker believes she has the clinical brick wall so to speak. That the ethical duty is to disclose confidential information without the client's consent to protect the sexual partner also a client of the agency. It would take me an hour to go through the kind of analysis I would engage in this kind of case but briefly it would include taking a look at prevailing ethical standards in social work regarding privacy confidentiality protecting third parties overriding clients informed consent. It would also take a look at New York state law the Buffalo case because states have statutes regarding the protection of HIV related information and some social workers are not very familiar with that. If that client is being served in an agency that receives federal funding I can think of at least two federal laws that would pertain in this case that social workers would need to know about. And so it's a very collocated process that I think social groups didn't fully grasp when the 1979 code was drafted so that's one example of a long standing issue with a new twist.

[00:17:40] Another brief example involves boundaries social workers have understood for a very long time that they need to maintain clear boundaries with their clients with regard to sexual activity. Friendships disclosure of personal information how social workers handle invitations from clients gifts from clients social workers live in small rural communities outside of Buffalo how they handle their encounters with clients in the supermarket or if their kids go to the same school or they worship at the same church or synagogue and what have you. In the 1979 code there was some vague language around boundaries although the term was not used. Conflict of Interest is the phrase today. We now understand that there are some very complicated issues having to do with social workers relationships with former clients and so the current code has language in their challenges related to former clients. Can you be friends with former clients. Can you date a former client. And can you go into business with a former client. And that's another example of a long standing issue that has a new twist. That's reflected in the current code. But the second category briefly has to do with issues that are not longstanding issues that have emerged because of changes in the world in which we live and I think the best example has to do with technology. So I've been involved in a number of cases in recent years as an expert witness which is the court's term in cases where social workers are sued by disgruntled clients or when social workers are brought before a licensing board because of questions about how they handled an ethical issue.

[00:19:32] And these cases have involved challenging issues pertaining to social workers use of technology for example there are now many social workers who provide what we call ethe therapy for electronic therapy. You can go on the Internet you will find many Web sites or social workers who have an MSW and who are licensed in the state of New York and other states provide clinical services without ever meeting the client via email via telephone. Viant may live halfway across the country because the social workers charge sometimes for a package of email messages charged to the client's visa or mastercard or Ricart or what have you. They may be using Skype to conduct sessions and these technologies create some very complicated ethical issues related to privacy and confidentiality and informed consent. What to do if the client has an emergency but you live 600 miles away and so forth. I'm involved in that case right now. We are part of the evidence that has been introduced formally in this court case includes text messages that a social worker and three different clients exchanged. And there are questions about the boundaries between this social worker and the client and the text messages have been produced as evidence of a court order authorizing disclosure by the phone company and I have to testify in this case about boundary issues related to text messages. Some social workers have Facebook or MySpace pages where they post personal information about themselves. Well sometimes clients try to find these web sites and may discover personal information that a social worker that the social worker didn't intend for a client to know. And so there are these complicated ethical issues that we couldn't have imagined earlier in our history that are a result of technology.

[00:21:38] And I'll add just one other example in healthcare especially we are facing challenging ethical issues that arise because of the advent of technology that can save premature infant who
might have died 20 years ago or adults who are on life support. And we face ethical issues around termination of life support. The question couldn't have been asked 50 years ago because the technology didn't exist in the way that it does now. Social workers who were involved in genetic counseling with our ethical issues around termination of a pregnancy. The technology creates those questions. Questions arising from the technology that enables organ transplantation. If there's one kidney and there are six people who wanted and need it. Who gets the kidney. Without the technology that enables the organ transplantation. You don't have the ethical issue. So these are examples under that second having ethical issues that arise because of new developments in our world. Couple of observations one is that I think that the most wonderful teaching goes on at the edge when there's a conflict between ethical standards or ethical principles as you mentioned confidentiality and duty to warn. And what I also might add even from your own readings is that it's critical that the social work not do this alone that supervision is key and critical that the more voices and the more ideas that come in the more likely they are to make a better decision and I couldn't agree more.

[00:23:16] And let me try to say it's just a little bit about this because I think it's a key concept for social workers to grasp and I must say I don't think I grasped it well enough early in my career and it's taken me some time to develop my own thinking about this very issue. Put succinctly I often get questions from social workers that begin with a preamble along the lines of So what do you think I ought to do in this case. Should I do X or should I do Y. Of course there are some cases where the answer is clear. Lawyers call those brightline cases where there's a bright line between what you should do and what you shouldn't do. But the most challenging ethical issues in social work don't have a bright line running through them. They have a fuzzy line or a fuzzy curve running through them if you will. And what I often say to social workers is I don't think there's a simple answer to this complicated question. It's not black and white. We're dealing here with gray and often we're dealing with multiple shades of grey. And so before we try to answer this question I think there's another question we ought to address and that is how should I go about thinking through the answer to the process. If social workers are good at anything it's process where we ought to be good at process and we understand that in the clinical world we understand that in management and administration we understand that and advocacy and policy development process. I think we're just beginning to understand how important that same concept is an ethical decision making so I want to reinforce your point that this is not simply learning a set of rules. It's not memorizing the code of ethics.

[00:25:07] I think the most valuable skill we can teach as social workers as social work supervisors as social educators is how to think about complicated ethical issues and that there are multiple lenses through which we need to examine these issues and they include looking at the code of ethics they include looking at relevant laws and regulations at the federal level and the state level. It includes looking at ethical guidelines in social licensing statutes in New York and other states. It includes as you said taking the time to talk with seasoned colleagues who are thoughtful who are going to stop and focus on this issue to help one social worker think it through. It's going to a supervisor who has experience and wisdom to think it through. It's taking the time and I realize this may sound idealistic but I firmly believe this is essential when it's not an emergency. Emergencies are a different matter when it's not an emergency. Taking the time to find relevant literature on boundaries with former clients on the limits of clients privacy rights on informed consent issues when a client is not literate or doesn't understand English very well or psychiatrically impaired. Literature on combination of services with clients who have not paid the bill or who are not compliant. There is a lot of literature now that did not exist when many of us finished our formal education. Why is that. Social workers sometimes don't take the time to find that literature. Read the literature find the consultant talk to the supervisor or look at the lawyers and look at the code of ethics. We need to do all of that. Ideally when we encounter one of these difficult ethical issues and I would argue there are two major reasons for doing that.
First reason is I hope for the obvious reasons and that is that process is likely to enhance the quality of the decision we ultimately make around which by the way there may not be consensus. Reasonable minds can uncomplicated issues but I think going through that process looking through those different lenses can enhance the polity of the decision we make. Just like we do when we make clinical decisions or administrative decisions and the second reason which I hope is less obvious but nonetheless is important is that in the event that somebody raises questions about the decision we made. If there's an outside party who who criticises our judgment or a client who's upset with us or an employer who's not happy with the decision or or any other disgruntled party the very fact that the social worker took her or his time to look at the code of ethics think it through look at relevant laws and regulations. Talk to colleagues talk to supervisors try to find literature and document the steps they took are free. An absolutely key ingredient documenting the steps that process I think greatly reduces the risk that social workers face in court cases and Licensing Board hearings in other venues. If there's somebody who's not happy with the social workers decision if I can just reflect what you're suggesting and is that the social worker respond rather than react to complex confidential confidentiality you know the ethical situations. And you mentioned a few. But do you have any particular concrete ways in which social workers can learn more about ethics any particular places besides the code of conduct. Yeah I think we need to think outside the box if you will.

We need to think broadly and comprehensively about how we can enhance social workers understanding of ethical issues ethical decision making and so forth. I will be the first to admit that if you were to survey social workers and ask them to identify the topics about which they'd like to learn a great deal ethics probably would not be top of the list or even close. Most people would probably focus on compelling issues related to their clinical work or the challenges they face as administrators and managers and advocates and policy specialists and so forth and I understand that and I think most thoughtful social workers would recognize and concede that we need to enhance ethics education. So the question is how do we do it. Well part of the challenge is that most senior social workers and most senior educators supervisors administrators finished their formal social or communication at a time when this material was not taught in in-depth or comprehensively. Most of us were exposed to a fairly superficial examination of ethical issues in the profession. What are the core values with the code of ethics and that kind of thing.

So part of what we need to do I think is to enhance the knowledge of senior management supervisors educators to be sure that they are up to speed with current knowledge and then to impart all of that to today's students in undergraduate social programs MSW programs and Ph.D. programs to transmit this knowledge to social workers who are working in community mental health centers and schools and nursing homes and hospice programs and correctional facilities and drug and alcohol treatment programs etc. etc.. So how do we do that. Well it seems to me there are about a half dozen ways to do this and I'll just outlined them briefly. I think curricula in undergraduate and graduate social work education programs need to be deepened and widened to ensure that we include this content not only in existing courses the clinical courses and the policy courses and the research courses and so forth. Clearly ethics needs to be integrated. But what can sometimes happen is that it gets sprinkled around a correct and is happening. About a quarter inch deep and about a mile wide. And so we need to wrestle with how to add this depth to curricula either in the form of or required ethics course and I know there are differences of opinion about that as an elective that students can take that explores this information in depth but I think this is a major agenda item and the Council of Social Work Education I think has taken steps to strengthen ethics education. A second venue is continuing education. Now traditionally we think of continuing education as a conference sponsored by say the Eubie school of social work or the National Association of Social
Workers or a continuing education. Organization and people sign up and they go to a room at a hotel already university and they sit there all day and they hear a lecture and they take notes and so forth and that's the traditional way to do this. And there's always a place for that. That's how a great deal of ethics education is provided.

But thinking outside the box I think there are other ways in which we can offer this content and within the last five years or so I've seen a burgeoning of alternative ways to educate people about ethics. So I have been invited to record sessions on the website that people can download and what we're doing right now is an example of using contemporary technology to enhance access to discussions about ethics. When this podcast is made available that expands the reach of social work education and people can now get this knowledge in a formal continuing education program via Web site. I've been invited to give satellite broadcasts so that people sign up and they sit in rooms all over the world and listen to a lecture. There are now as many of your listeners know a number of what are called Web or blackboard options. We're hopeful can take you know short term you know three four week long continuing education courses on ethics. There are DVDs. One can buy CDs one can buy multiple ways and I think we need to use these venues very very creatively. In addition I think agencies need to strengthen their staff development offerings on the social work ethics. Too many agencies out there will develop staff development programs for their employees and they focus on clinical issues or management issues or what have you. Many of them are now organizing and offering ethics workshops specifically for staff focusing on issues in that very agency. Sometimes there are staff in the agencies that have the expertise to present this material. Sometimes the agencies have to find someone in the community or to local school or social work to come in and offer the presentation in one other venue.

I encourage people to consider is what I call in some of my own work a social work ethics audit an audit is all of them and is taking a close look at one's records books. It's often used in the financial context and a number of years ago I developed a tool called the social work ethics audit which is a way for everyday social workers managers supervisors administrators to take a focused organized systematic look at their agency's ethics related policies and practices. Private practitioners can do it. It provides a structured outline of issues related to confidentiality and informed consent and privileged communication and conflicts of interest and dual relationships and termination of services and documentation etc. etc. and it's a way for people to drill deep if you will to take a look at both the policies and the practices in their own work settings related to ethics. Where can we find the ethics audit. It's published by the National Association of Social Workers. This has been very exciting and many recommendations I not only agree with their little self-serving because it's the things that I'd like to do. Are there any final words you can leave for those who will listen to this podcast. Well just one other point I'd like to make and that is I think one ought to ask what's the one we ought to be focusing on when we try to enhance social work ethics education and in my opinion. Given my vantage point now several decades into my career I think we ought to be focusing on basically three things.

I think this is how we organize curricula staff developments continuing at number one and this is the most mundane but it's important I think is to identify mistakes that social can sometimes make that have ethical implications. You know the hallway conversations that can be overheard by third parties where we don't protect clients privacy or the materials we leave on the desk at the end of the day not thinking as a custodian might glance at the desk and see them or the email message we send to a colleague that contains identifying information that could be forwarded to someone else. We lose control or the document that gets faxed to another agency but the social worker didn't take the time to ensure that that colleague is there to receive it and who knows who's going to look at this very sensitive document. So it would take me a couple of hours to identify all the mistakes that I think do and can happen but I think we ought to identify those. A second topic is that of ethical dilemmas and I think this is where we ought to be spending most of our time. The
tough case is what I referred to earlier as the cases for which there is no bright line where we're competing duties competing values competing obligations where reasonable minds can differ around confidentiality and boundaries and termination of services and so forth. And we now have in our literature a great deal of discussion of how one makes ethical decisions in addition to all of those items I mentioned earlier laws regulations codes of ethics consultation and the literature.

There's also a vast amount of knowledge regarding ethical theory some of which is from moral philosophy and I'm not saying you ought to turn every social worker into a philosopher but in my own work I have found it extraordinarily helpful to understand the language of ethics that I learned when I was a doctoral student at the University of Chicago and was taking courses in moral philosophy where I learned about theories of ethics and normative ethics and learned about concepts related to utilitarianism and the ontology and the difference between acting utilitarianism and lots of seemingly esoteric philosophical concepts that have actually helped me shape my thinking when I'm in the middle of a tough ethical issue and those ethical dilemmas arise in clinical work of course but they also arise in administration and management and policy contexts and I think we ought to spend a lot of time identifying these ethical dilemmas where values and duties and obligations clash in all of social works domains. And the third element I would include in comprehensive ethics education and I say this with some hesitation and I say it with some sadness considerable sadness and it's a topic of ethical misconduct among social workers. And when I was a doctoral student in the 1970s it didn't dawn on me. Never occurred to me that years later I would spend a considerable portion of my professional time raising my right hand and solemnly swearing to tell the truth the whole truth and nothing but the truth in court cases and Licensing Board hearings where there were allegations that a licensed social worker became involved in a sexual relationship with a client used drugs with a client embezzled money from a client and I could keep going. I have unfortunately had the opportunity to conduct hearings solving formally licensed social workers who are now prison inmates.

And these are social workers who perhaps never should have been in the business or became impaired after having become a social worker and the profession and colleagues didn't recognize it or recognized it didn't take steps to address it. And I think we have to acknowledge that part of the ethics elephant in the room if you will the fact that there is in our profession impairment there is in our profession some ethical misconduct. The very good news is it's not pervasive. It's a very small percentage. I'm absolutely convinced of that and it's not trivial. And I think we need to address issues of impairment how to prevent impairment how to deal with ethical misconduct how to deal with whistleblowing challenges in our profession. So to reiterate I would focus on common and preventable ethical mistakes. I would focus on challenging very daunting difficult ethical dilemmas in all of social works domains and I would focus on ethical misconduct and issues of impairment and how to prevent them how to respond to them. Well I want to thank you for a stimulating discussion and for sharing both your knowledge and your passion about the issue of ethical issues in social work. It's been my pleasure and I appreciate the invitation. Thank you. You've been listening to Dr. Frederic Reamer discuss professional ethics and social work. Thanks for listening. And tune in again next time for more lectures and conversations on social work practice and research. Hi I'm Nancy Smyth professor and dean at the University of Buffalo School of Social Work. Thanks for listening to our podcast. Our school is celebrating 75 years of research teaching and service to the community with more information about who we are our history our programs and what we do.

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