

## **APA's council takes action**

*APA's governing body adopts a model licensing act, a change to its ethics code and a decrease in dues for certain members.*

By Rhea K. Farberman

Adopting a revised and updated Model Licensing Act was one of a number of actions designed to position the discipline and communicate its priorities taken by the APA Council of Representatives at its February meeting.

"This was an important council meeting because of the number of significant agenda items that helped communicate APA's values and goals, said Carol D Goodheart, EdD, who presided over the meeting in her role as APA president. "Specifically, I'm referring to the council's action to adopt a core values statement, adopt the revised Model Licensing Act and make changes to standards 1.02 and 1.03 of the Ethics Code."

The new Model Licensing Act incorporates needed updates since the last revision in 1987 in such areas as prescriptive authority and telehealth. (An in-depth report on the updates to the act will appear in the May *Monitor*.)

The model act describes the education and training of psychologists and provides guidance to states or other jurisdictions when developing or modifying licensing statutes or regulations.

After council approved a substitute motion concerning section J3 of the Model Licensing Act, the revised Act retains, but modifies, the existing exemption for providers of psychological services in schools: The act recognizes the authority of appropriate state education bodies to issue titles to those who provide psychological services in schools as long as those titles incorporate the word "school." The act continues to restrict the practice of such individuals and their use of their title to employment *within* school settings.

The council, meeting for the first time in 2010, had 26 business items on its agenda for the two-and-a-half day meeting. In other action, council:

- Adopted a core values statement as part of the APA Strategic Plan. The statement reads:

*The American Psychological Association commits to its vision through a mission based upon the following values:*

*Continual Pursuit of Excellence*

*Knowledge and its Application Based Upon Methods of Science*

*Outstanding Service to its Members and to Society*

*Social Justice, Diversity and Inclusion*

*Ethical Action in All that We Do*

- Approved changes to the APA Ethics Code to address potential conflicts amongst professional ethics, legal authority and organizational demands. The revised language to standards 1.02 and 1.03 is intended to ensure that the standards can never be interpreted to justify or defend violating human rights. (See sidebar).

- Created a \$25 dues credit for full members of APA who are also members of the Association for Psychological Science; the Society of Neuroscience; any organizations that are part of the Federation for the Advancement of Behavioral and Brain Sciences; and members of the state, provincial and territorial psychological associations and the four national ethnic-minority psychological associations. This dues credit will begin with the 2012 dues cycle. For members of APS and the Federation organizations, it will replace their current 25 percent dual membership discount.
- Moved the council's August meeting out of the Manchester Grand Hyatt Hotel. Many APA members and divisions had requested that move due to concerns about Doug Manchester, the hotel owner's contribution to Proposition 8. (*See sidebar.*)
- Approved the creation of APA treatment guidelines and the establishment of a Steering Committee and Guidelines Development Panels for that purpose. The work of the Steering Committee and the development panels will be overseen by three APA governance groups: the Committee on the Advancement of Professional Practice, the Board of Professional Affairs and the Board of Scientific Affairs.
- Received the final report of the 2009 Presidential Task Force on the Future of Psychology Practice, which studied ways to help practitioners thrive in a changing world. The report can be viewed on the Web at [www.apa.org/pubs/info/reports/future-practice.pdf](http://www.apa.org/pubs/info/reports/future-practice.pdf).
- Received the Final Report of the Task Force on Psychology's Contribution to End Homelessness. According to the report, providing housing without addressing the psychosocial factors associated with homelessness is not enough to solve the overarching problem. Read full report at: [www.apa.org/pubs/info/reports/end-homelessness.pdf](http://www.apa.org/pubs/info/reports/end-homelessness.pdf).
- Reauthorized APA's public education campaign, directing that it be consistent with the goals and objectives of APA's Strategic Plan.

Approved the association's 2010 budget. APA's 2010 budget includes forecasted revenues of just over \$114,400,000 with expenditures of \$113,500,000, resulting in a forecasted operating margin of \$900,000. The council has directed staff to budget for an annual operating margin to avoid the possibility of deficit budgets.

### **Amending the Ethics Code**

APA's Council of Representatives voted to amend the association's Code of Ethics to make clear that its standards can never be interpreted to justify or defend violating human rights.

The action, which came during the winter meeting of APA's governing Council of Representatives, amended the code's Introduction and Applicability section, as well as Ethical Standards 1.02 and 1.03, to resolve any potential ambiguity in the original language. These changes become effective June 1, 2010.

The meaning of these two standards was called into question during the George W. Bush administration when the Justice Department issued legal rulings authorizing so-called enhanced interrogation techniques.

"APA's longstanding policy is that psychologists may never violate human rights," said APA President Carol D. Goodheart, EdD, announcing the changes. "These standards now unquestionably conform to that policy."

The standards, from APA's "Ethical Principles of Psychologists and Code of Conduct" (2002), address situations where psychologists' ethical responsibilities conflict with law, regulations, other governing legal authority or organizational demands. Previously, it appeared that if psychologists could not resolve such conflicts, they could adhere to the law or demands of an organization without further consideration. That language has been deleted and this new sentence added: "*Under no circumstances may this standard be used to justify or defend violating human rights.*"

These amendments to the Ethics Code provide clear guidance to psychologists regarding their ethical obligations when conflicts arise between psychology ethics and the law or ethics and organizational demands.

An APA Ethics Committee task force last reviewed Ethical Standard 1.02 on conflicts between ethics and law in September 2001. The standard, which had been previously revised in 1992, had been criticized by psychology practitioners, particularly those in the forensic community. The 1992 standard said that when ethics and law conflict, psychologists should "make known their commitment to the Ethics Code and take steps to resolve the conflict in responsible manner." Practitioners were concerned because at times judges, who were unfamiliar with psychology ethics, would order that clients' raw test data and psychotherapy notes be submitted into legal proceedings. Judges had also made custody, visitation or supervision recommendations without first seeking appropriate evaluations. Psychologists said they were being placed in a conflict between ethics and law.

The task force had responded to such concerns by revising Standard 1.02's language to say that if a conflict arises between ethics and law, psychologists should make known their commitment to the Ethics Code and seek to resolve the conflict. If that process was not successful, a psychologist had the option of following the "law, regulations or other governing legal authority."

The language created a process for resolving a conflict between ethics and law, but did not require a psychologist to violate a court order and thus risk being jailed or fined. The psychologist could, however, engage in civil disobedience, if he or she chose. The ethics task force approved the revision with minor edits and APA's Council of Representatives adopted it in 2002.

That solution was called into question after the events of Sept. 11, 2001, when the Bush administration used abusive interrogation techniques that it defended under the law. APA members began to ask what their ethical obligations would be if they were ordered to engage in torture or cruel, inhuman or degrading treatment or punishment and whether Ethical Standard 1.02 could be used as a defense.

In response, APA's council directed the Ethics Committee to draft language to make clear that the code offers no defense to human rights violations. After gathering member and public comment, the committee proposed, and the council overwhelmingly approved, the following amendments:

From the Introduction and Applicability section:  
If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to this Ethics Code and take steps to resolve the conflict in a responsible manner. ~~If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing authority~~ in keeping with basic principles of human rights.

From Ethical Standard 1.02:

**1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority**

If psychologists' ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. ~~If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.~~ Under no circumstances may this standard be used to justify or defend violating human rights.

From Ethical Standard 1.03:

**1.03 Conflicts Between Ethics and Organizational Demands**

If the demands of an organization with which psychologists are affiliated or for whom they are working are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and ~~to the extent feasible, resolve the conflict in a way that permits adherence to the Ethics Code.~~ take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.

These amendments are an emphatic statement that the Ethics Code does not offer a defense of following the law or organizational demand to a charge of violating an individual's human rights.

**APA's council votes to move its next meeting out of the Manchester Grand Hyatt**

APA's Council of Representatives voted to move its meeting out of the Manchester Grand Hyatt during the APA's August 2010 Convention.

In response to a donation to the Proposition 8 campaign by the owner of the Manchester Grand Hyatt, Doug Manchester, a number of APA divisions and members voiced concerns about APA's use of the hotel during its annual meeting.

"Today's decision allows council to make an important statement that it stands in solidarity with the lesbian, gay, bisexual and transgender community and its allies in protest of Mr. Manchester's political views," said APA President Dr. Carol D. Goodheart. "Members of our council will now not be faced with having to choose between their responsibilities as members of council and their wish to express their opposition to Mr. Manchester's action by not entering his hotel."

Early last year, APA learned that Manchester had contributed \$125,000 to Proposition 8, the effort to overturn the California Supreme Court ruling providing marriage equity for same-sex couples. APA is not calling for a general boycott of the hotel, but will make every effort to provide choices to members or groups who do not want to use the Hyatt. Other lodging and meeting space will be available.

"It is important that we be respectful of the decisions of individuals; those who choose to stay at the Hyatt and those who do not," said Goodheart. In addition, APA plans to use the meeting to highlight the association's policy statement in support of same-sex marriage and the science that supports that position.

###