

The Law v. the Code of Ethics

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I often get the question of what to do when confronted with a dilemma where the legal mandates are in conflict with professional ethics codes. This can get quite confusing, and we are faced with these kinds of dilemmas frequently. So, let's look at some definitions to start. Laws are rules and regulations created by a government or governing body to regulate or govern a community, state, or nation. Laws and rules have to be codified, recognized, and enforced. They maintain order, peace, and justice while protecting the general public and safeguarding its interests. Laws typically take into consideration ethical principles and moral values. Laws clearly define what a person can and cannot do; breaches of law result in punishment and/or penalty. Ethics and codes of ethics guide people regarding what is good or bad, right or wrong. Ethics include normative ethics, personal ethics, social ethics, and professional ethics. Professional ethical principles help us determine our professional presence and influence how we act in specific situations and how we should interact with clients and significant others. Codes of ethics address normative professional conduct. Professional ethics are guidelines and principles, which are different from rules and regulations. A breach of law and a breach of professional ethics may result in penalties and other consequences. Laws are legally binding whereas codes of ethics are meant to be professionally binding.



Clinicians can find themselves in the midst of a real conflict when what is ethical is not legal, or when what is legal is not ethical. Addiction professionals generally agree that they should obey laws whenever possible. However, we, as professionals, know that blind obedience to the law could harm clients in specific situations. So, the conflict arises when compliance with legal expectations and requirements goes against our Code of Ethics, and when compliance with our Code of Ethics goes against laws and rules. There are no easy solutions to this conundrum. Clinicians and other professionals must carefully evaluate and make decisions about how to handle these situations. Before making a decision,

it is important to take several steps. Reach out to a clinical supervisor, consultant, or active professional who you trust and present the dilemma to him or her. Use the decision-making model in the NAADAC Code of Ethics to evaluate the dilemma. Reach out to the Ethics Committee at NAADAC to get their professional opinion and recommendations. The Committee Chairs represent NAADAC and NCC AP, so they will look at the dilemma as a standards of practice issue and a certification issue. Seek collegial consultation and direction from your licensing board and reflect on NAADAC's Code of Ethics. Depending on the situation, it may also be advisable to consult legal counsel. Typically, the recommendation is to obey the stricter regulation or principle – the stricter Code of Ethic guideline or the stricter legal rule or regulation.

There is one other source of conflict to consider that is related to this discussion. Many of us are dually credentialed, so we fall under several Codes of Ethics. For example, I fall under the American Counseling Association Code of Ethics and the American Association of Marriage and Family Therapists Code of Ethics in addition to the NAADAC/NCC AP Code of Ethics. This can be a problem on two fronts – when the guideline of one code does not agree with the guideline of another code, and when you are providing services that cross into co-occurring disorders. The same recommendation would apply here – to obey the stricter regulation or principle. To give an example, addiction professionals can never develop a personal relationship with a client. However, other professional Code of Ethics allow professionals to develop a personal relationship with a client anywhere from two to five years after last professional contact. NAADAC has the stricter code because we want the client to reach back out to their clinician in the event that they have a reoccurrence, which they cannot do if the nature of the professional relationship has been changed to a personal relationship. When providing co-occurring services or services to individuals who are indirectly impacted by addiction, it is important to seek out guidance to determine the stricter code to follow for that particular concern. Please take the time to reflect on the implications of the problem on the client, on you as a professional, and on the addiction profession.



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