

# Key Dates

- TH Mar 30 Unit 19; **Term Paper Step 2**
- TU Apr 4 Begin Biological Perspectives, Unit IIIA and 20; Step 2 Assignment
- TH Apr 6 Unit 21
- TU Apr 11 Unit 22; Biological Perspective Assignment
- TH Apr 13 Begin Psychological Perspectives, Unit IIIB and 23; **Term Paper Step 3** (*only if Step 2 approved*)

Goal: To become familiar with the different mental health professions and some of the legal and ethical issues involved in professional practice

# UNIT 19: DELIVERING MENTAL HEALTH SERVICES

# Learning Outcomes

- By the end of this class, you should be able to:
  - Identify the types of professionals who are allowed to treat mental disorders
  - Identify the types of mental health professionals who are allowed to prescribe medications
  - Explain the differences between Not Guilty by Reason of Insanity and Incompetent to Stand Trial
  - Assess the ability of mental health professionals to predict dangerousness and explain why that is important
  - Summarize the obligations of a mental health professional with regard to client confidentiality

# Delivering Mental Health Services

- Who treats mental disorders?
  - Psychiatrists (M.D.)
  - Clinical psychologists (Ph.D., Psy.D.)
  - Mental health counselors and marriage and family therapists (master's degree)
  - Board-certified behavior analysts (BCBA)
  - Psychiatric nurse practitioners (M.S.N.)
  - Social workers (M.S.W.)
  - And others (psychotherapists, counselors, art/music/occupational/rehabilitation therapists, school psychologists, etc.)
  - Licensure standards differ by state

# Delivering Mental Health Services

- Who can prescribe medication?
  - Any physician (and most mental health drugs are prescribed by non-psychiatrist MDs)
  - Nurse practitioners
  - And in some states, doctoral-level psychologists who have received additional training
  - But there is considerable opposition to allowing psychologists to prescribe

# Delivering Mental Health Services

- ◎ Legal issues in mental health practice
  - Can mentally ill defendants be tried for crimes?
  - Can mentally ill defendants be convicted and punished for crimes?
  - How do we justify involuntary hospitalization (civil commitment)?
  - [not in text] Also, child custody, guardianship, and other matters might require psychologist as “expert witness”

# Delivering Mental Health Services

- Competency to stand trial
  - Understanding the charges
  - Appreciating the significance of a criminal conviction
  - Being able to assist one's attorney
  - How long can someone found incompetent be confined?
  - How is competency assessed?
- Other forms of competency (e.g., to sign a contract, to accept a recommended treatment)

# Delivering Mental Health Services

- ⦿ Not guilty by reason of insanity
  - Free will and assessing responsibility for criminal actions
  - The M’Naghten case and its significance
  - The challenge of creating a legal definition of “insanity”
  - How often does this issue come up?
  - What happens to those found NGRI?
  - The “guilty-but-mentally-ill” alternative



# Delivering Mental Health Services

- Civil commitment: “Dangerousness” is now the primary criterion
  - Is it right to confine someone against his will if no crime has been committed? And if so, for how long?
  - When no crime has been committed, but danger to self or others is perceived—need for treatment alone is not sufficient (nor is the discomfort of others)
  - Can dangerousness be accurately assessed by mental health professionals? Can violence be predicted?

# Delivering Mental Health Services

- ◎ Other legal and ethical issues in mental health practice
  - How do we assure privacy and confidentiality?
  - When can/must confidentiality be violated?
  - How do we assure competence in professional practice?

# Delivering Mental Health Services

## ○ Ethical issues

- Confidentiality of client communications with a mental health professional is generally assumed
- But it is not guaranteed:
  - When someone is a danger to himself
  - When someone poses a danger to others—the duty to warn
  - Mandated reporting—abuse of a minor or elder or disabled person
  - Civil litigation (e.g., divorce, malpractice lawsuit)—providers can be forced to turn over records and to testify in court

# Delivering Mental Health Services

- Professional competence
  - Mental health professionals have to be licensed
  - The actions of licensed professional are subject to review by state licensing boards
  - Professional associations also establish ethical standards
  - But what ensures competence? Can a licensed professional offer any treatment that she or he deems appropriate even if it is not widely endorsed?
  - What sort of “consumer protection” does a client or patient have?