

Psychotherapy & Therapeutic Ethics In The Movies

NYSPA

Presenter: Ofer Zur, Ph.D. www.drzur.com

2/5/2023 2 CE hrs.



www.drzur.com

DR. OFER ZUR

Search



About

Contact

PROJECT
INSIGHTS 

CONSULTING/FORENSICS

PICTORIAL BIO ▾

MOST POPULAR ARTICLES

TEACHING

COMPLETE ARCHIVE

**Influential educator,
psychologist and critical
thinker serving the
general public and
mental health field for
over 30 years**

Dr. Ofer Zur welcomes you to find out more about his ethical-consultation and forensic services, his teaching/presenting, his most popular articles, audios and



Bio

- ❖ **Ofer Zur, Ph.D.** Sebastopol, CA clinical & forensic psychologist, has been in practice for 30 years. He is a Fellow of the American Psychological Association and the founder of the **Zur Institute**, which offers over 150 online continuing education courses for mental health practitioners. Dr. Zur has written four books & hundreds of articles and has lectured world-wide on topics ranging from Boundaries and Dual Relationships in Psychotherapy to Psychology of Victims, Gender & War.
- ❖ Dr. Zur's CV: drzur.com/resume/

Disclaimers and Disclosures

- ❖ The opinions expressed in this presentation are those of the presenter.
- ❖ The presenter has attested that there are no financial or other conflicts of interest related to this presentation.
- ❖ The information presented here is, to the best of his knowledge, accurate at the time of the recording. However, he assume no responsibility for errors, omissions, or changes in requirements.
- ❖ Legal, ethical, clinical, and cultural standards can change quickly, and it is ultimately the responsibility of each individual viewer to remain current.
- ❖ The viewers have no right to post, copy, distribute or forward this presentation to anyone.

Standard of Care

- ❖ The qualities and conditions which **prevail, or should prevail**, in a **particular** mental health service, and that a reasonable and **prudent** practitioner follows
- ❖ The standard of care is **Context** based!
- ❖ **Beyond** ‘no sex’ with current clients and ‘do not exploit’ or ‘intentionally harm clients’ there is **no one textbook** or set of rules that define the standard of care

Standard of Care is **NOT!**

(Not about CYA)



- ❖ A standard of **perfection**
- ❖ An A- standard - It is a C+ standard
- ❖ Free of **mistakes** – Mistakes are human
- ❖ Following rigid **risk management** principles of “Don’ts”
- ❖ Ruled by **majority** (i.e. EMDR in the 1990’s)
- ❖ Following **psychoanalytic** principles
- ❖ **Permanent** or **fixed**
- ❖ Determined by **outcome** or **cost**

Standard of Care Is **Context** based



Therapeutic Boundaries



Boundary Crossings

- * Within the SOC - Ethical
- * Touch, Gifts, DR, SD, Home Visit, ...
- * Creative-Effective Interventions



Boundary Violations

- * When therapists cross the line of decency
- * Intentionally or recklessly harm or exploit patients
- * Outside the standard of care
- * Examples:
 - Exploitative business dual relationships
 - Sexual relationships with current clients



Traditional Therapeutic Boundaries

- ❖ Gifts
- ❖ Touch
- ❖ Self-Disclosure
- ❖ Dual/Multiple Relationships: Concurrent & Sequential
- ❖ Bartering: For Goods & Services
- ❖ Out of Office Experiences: Home visits, 'Walk & Talk', etc.
- ❖ Home office
- ❖ Time & length of sessions. Proximity, Clothing, Silence & Language

Ethical Gifts



Ethical gift-giving by therapists has a clear clinical rationale and has the client's welfare at heart.





Touch in Psychotherapy



Unspoken Western Culture Taboos

- ❖ “Don’t touch the opposite gender!”
- ❖ "Don't touch same gender friends!".
- ❖ "Don't touch yourself!"
- ❖ "Don't touch strangers!"
- ❖ "Do not touch the elderly and the sick!"
- ❖ “Don’t touch those who are dying!”
- ❖ "Don’t touch those who are of higher status!"
- ❖ **Corona Virus: Don’t touch the un-vaccinated**



Myth: Non-Sexual, casual touch, is often the first step to sexual touch

- ❖ The US is a 'touch phobic' culture
- ❖ Most cultures do not hold the (paranoid) association between touch and sex
- ❖ **Research findings: The # of times two people sharing coffee in a restaurant touch each other, per hour,**

In:

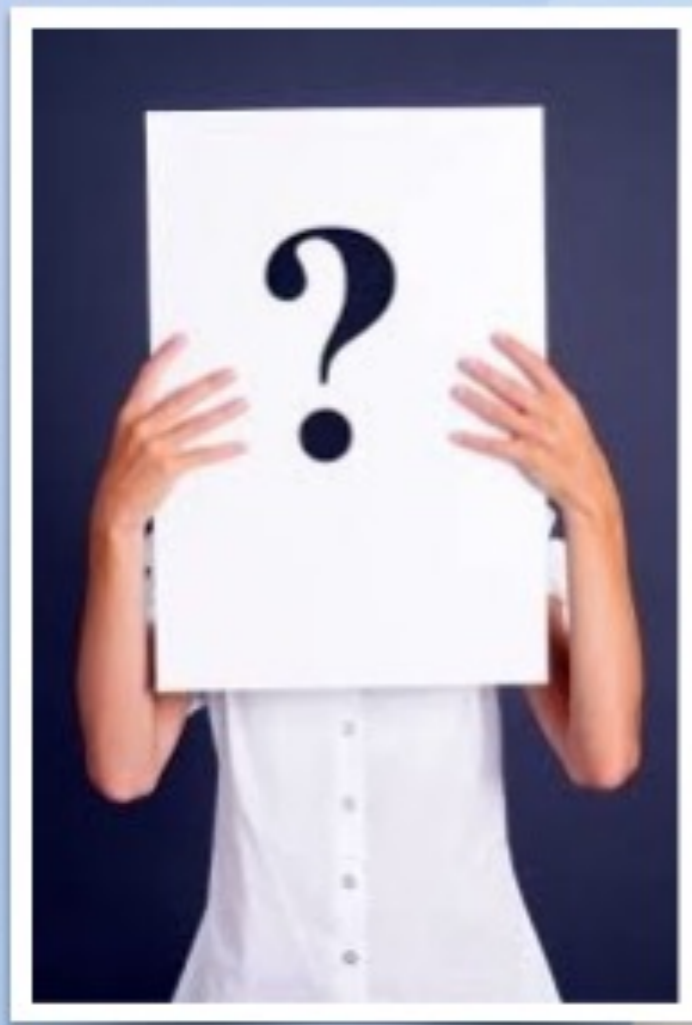
London:	0	Florida:	2
Jerusalem:	100	Paris:	110
San Juan:	180		





Good Will Hunting - 1998 - [Robin Williams](#) & [Matt Damon](#)

Self-Disclosure



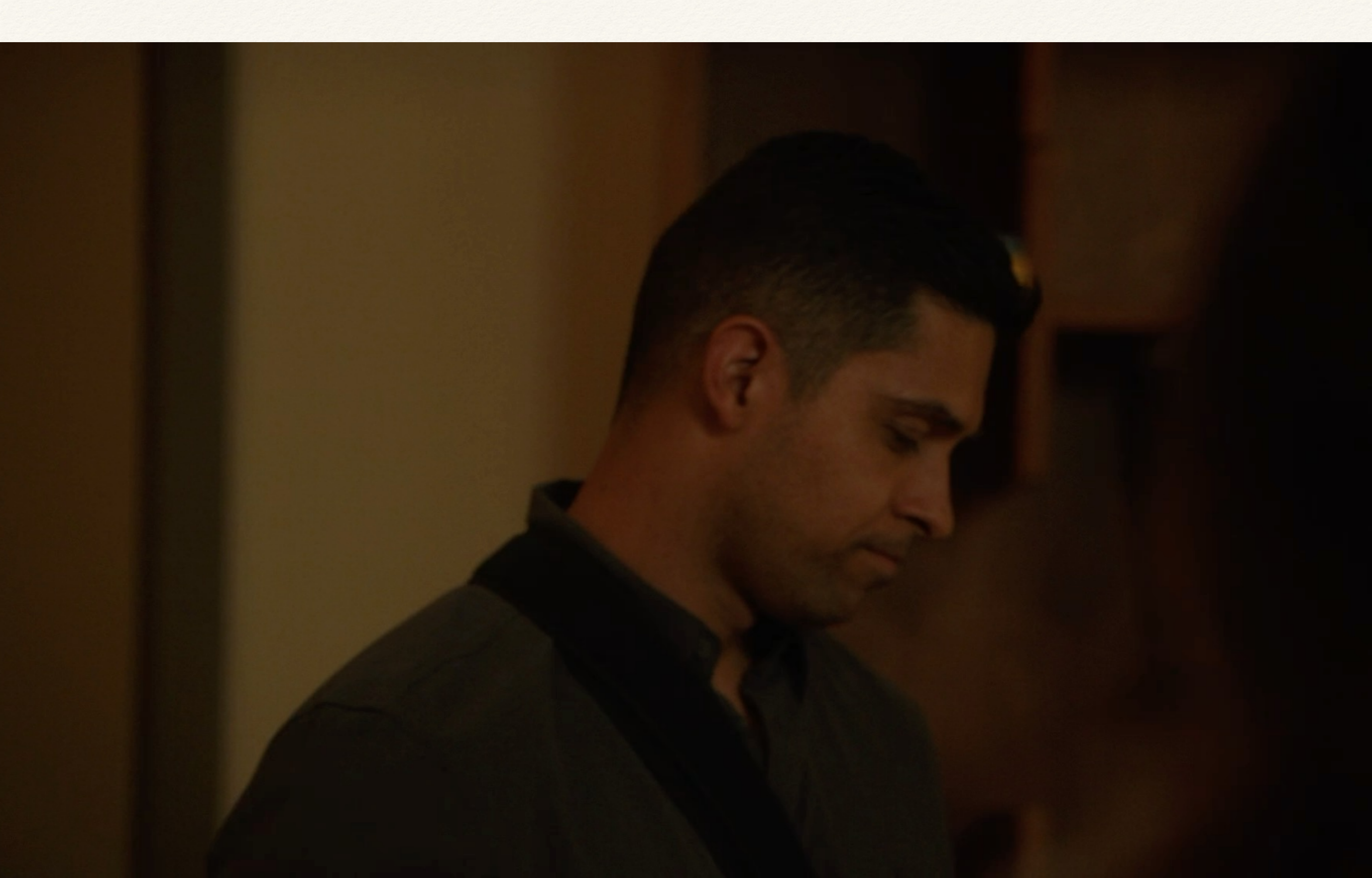
Self-disclosure is the revelation of personal rather than professional information about the therapist to the client



Unavoidable Self Disclosure

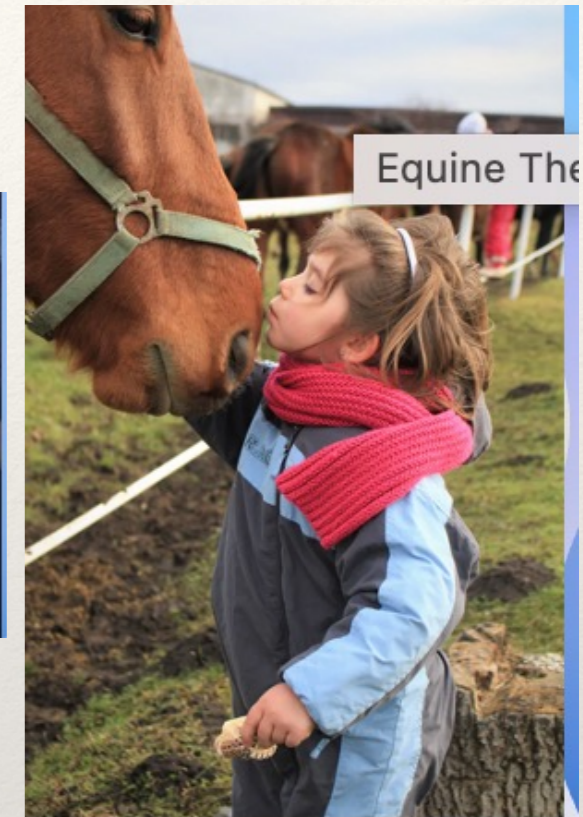
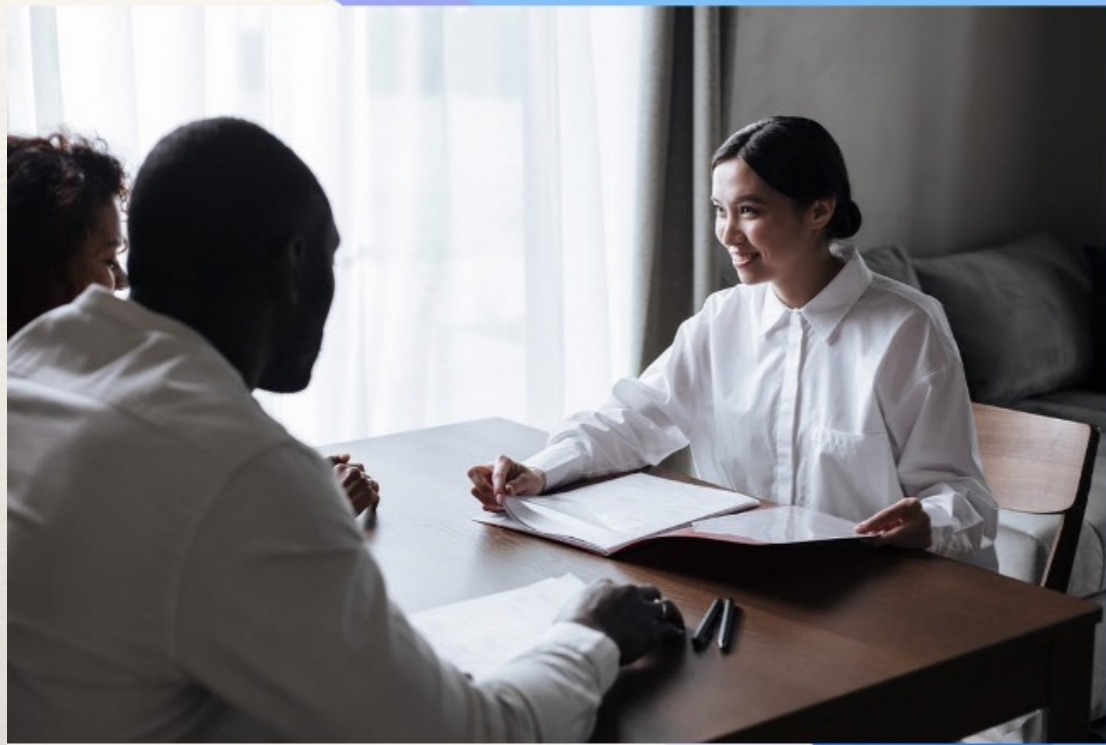
- ❖ Rural & Small communities
- ❖ Small Ethnic, Spiritual, LGBTQIA, AA, NA
- ❖ Disabled communities
- ❖ Military & Police
- ❖ Home visits
- ❖ Sport psychologists
- ❖ **TeleMental Health – Online Therapy**
- ❖ **Age of Google, LI, Meta, TikTok . . .**

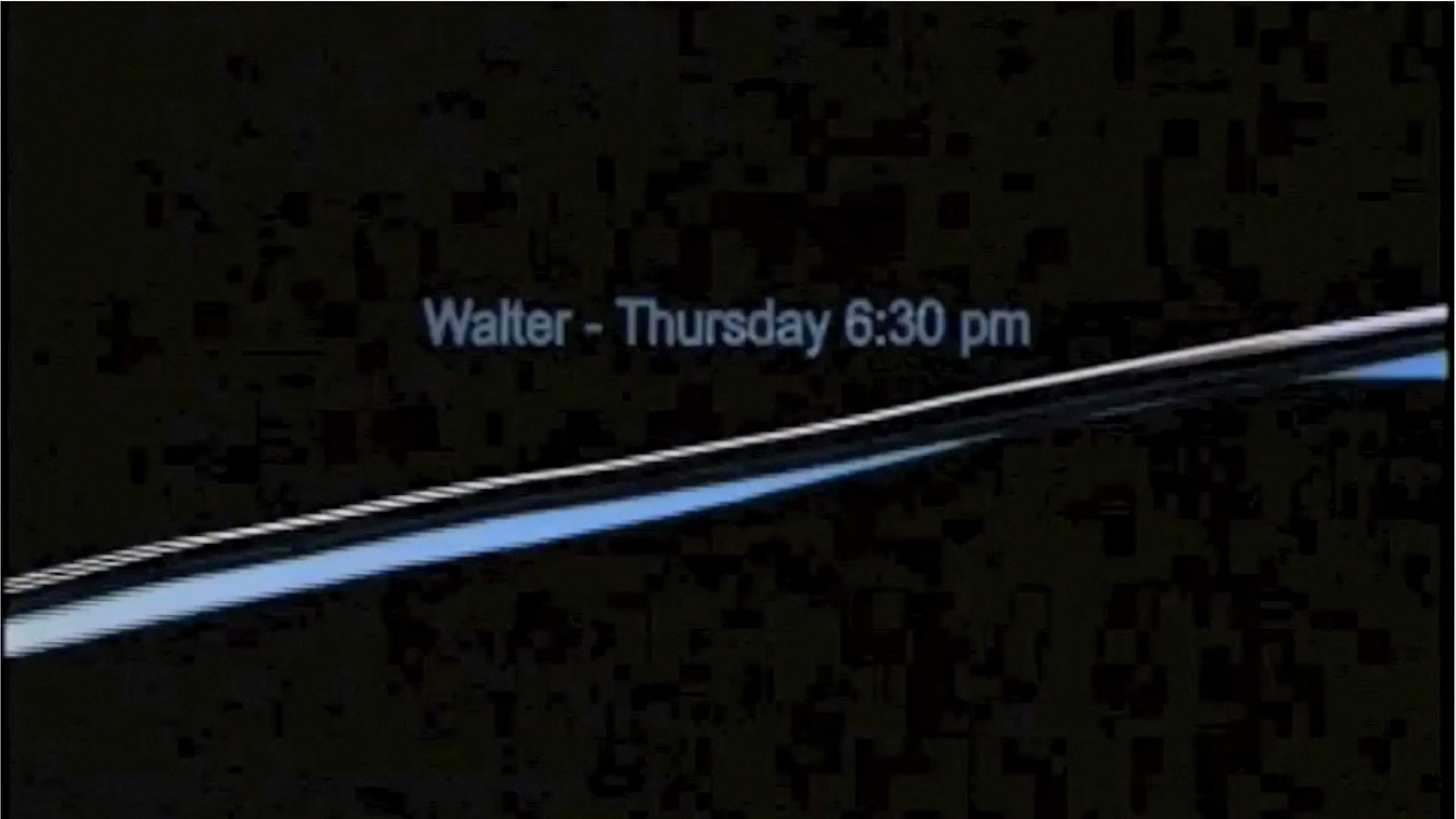






Out of Office Experiences w/ Clients



The image is a dark, almost black, rectangular frame. A bright, glowing blue diagonal streak runs from the bottom left towards the top right. A thin, white, slightly textured line runs parallel to the blue streak, positioned just above it. The text "Walter - Thursday 6:30 pm" is centered in the upper half of the image, appearing as if it's a digital overlay or a timestamp.

Walter - Thursday 6:30 pm

❖ In Treatment - 2010 - Hospital Visit



❖ Hope Springs 2012

Dual or Multiple Relationships Concurrent vs. Sequential

- ❖ **Dual Relationship:**
- ❖ When a therapist has a relationship with a client in addition to the therapeutic one
- ❖ **Differentiate:**
Concurrent vs. Sequential



The Standard of Care is **Context Based**

– Small Town Dual Relationships



Old: “Non-sexual dual relationships, while not unethical and harmful per se, foster sexual dual relationships” (1990)

Common Dual Relationships





Shrinking Feb. 2023

Dual Relationships

When clients choose you **because they know you**

- ❖ Small towns & rural communities
- ❖ Small Communities : Churches, LGBT, Synagogues, Gyms
- ❖ 12-Step Groups: AA, Clients NA

Unavoidable Dual Relationships

Multiple Loyalties

Therapist-client relationships are **NOT** the top priority

Setting

- ❖ Military/Navy
- ❖ Prisons/Jails
- ❖ Police/Sheriff
- ❖ Sport Psychologists
- ❖ Some Expert Witness

Top concern:

Military consideration
Security
Law – Security - Safety
Team
Courts - Justice

Creative - Ethical- Boundary Crossings

Within the SOC

NOT Boundary Violations

Out-of-the-Box Effective Therapists:



❖ *Don Juan DeMarco* - 1994 - [Johnny Depp](#) & [Marlon Brando](#)



Analyze This - 1999 - [Robert De Niro](#), [Billy Crystal](#)



❖ *Stop It! - Bob Newhart Show 1972-1978*



Mad to be Normal - R. D. Lang - 2017

Standard of Care is **Context Based**

Small & Isolated Communities, AA, Univ. Campus, Military, Prisons

Are significantly different than: Private practice
Downtown NYC, LA, Chicago or . . .



Is it ever Ethical for a Psychologist to engage in behavior that may lead to:

- * A clients' death in battle?
- * The execution of death-row inmates? **Not in NYS**
- * The torture of prisoners?
- * The denial of civil liberties to sex offenders? **Yes in NYS**
- * The denial of life saving organ transplants to 'receivers'?

Is it ever Ethical for a psychologist to:

- * Be naked with a client?
- * Have a drink with a client at a bar?





- ❖ Band of Brothers 2001 - **Military** context - Split loyalty
- ❖ A therapist increases the likelihood of a client's death



❖ The Report (2019) - **On Torture** in Abu Ghraib



McNeil Island, WA



- ❖ **Deny civil liberty** and probation to sex offenders who fully served their prison sentence

Psychologists 'Enable' Executions



Smart Enough to Die

No More Executions in New York State

Following the Supreme Court's decision in Atkins v. Virginia, **psychologists** can offer expert testimonies on three key questions that could block or enable **execution** of a person facing the death penalty (not in NYS):

1. Does the person have an I.Q. below 70?
2. Are there significant deficits in adaptive functioning (or practical skills of daily living)?
3. Did these disabilities show themselves before adulthood?

If the answers are "NO" to all 3 there may be NO intellectual barrier to execution.

This powerful role of psychologists is unmatched.

When a psychologist assesses if a person can get a **life-saving** organ transplant

Psychologists determine recipients' ability/capacity to:

- ❖ . . . adhere to complex medical regimens to avoid rejection, loss of scarce donor organs
- ❖ . . . follow strict regime of taking anti-rejection meds
- ❖ . . . follow other guidelines, such as salt intake, blood pressure management, etc.



Not following these strict protocols for the first few months or for a lifetime can cause loss of the organ or . . . death

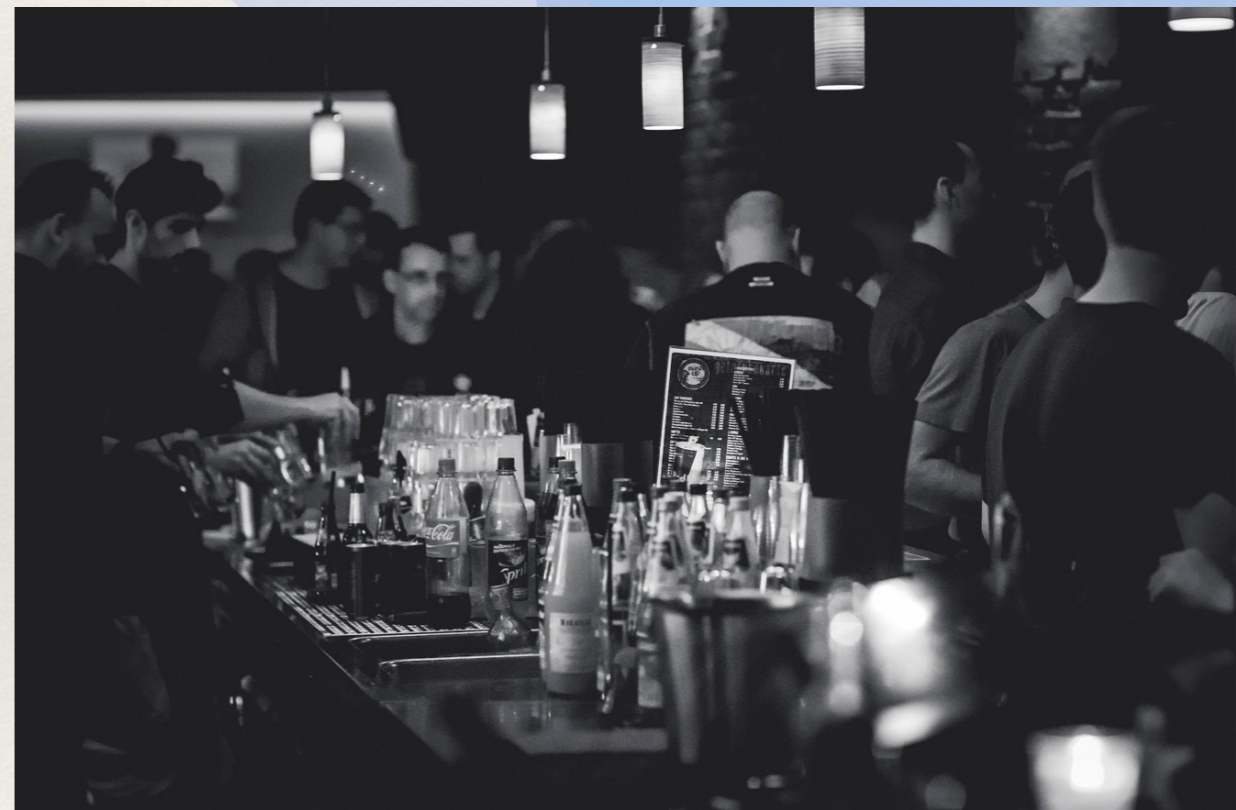
Is it Ever Ethical for a psychotherapist to be Naked with a client?

- ❖ Locker rooms in
 - Universities/Colleges
 - Small towns
 - Aircraft carriers
- ❖ Nudist beaches
- ❖ Retreat centers hot-tubs (Esalen)



Is it ever **Ethical** for a **therapist** to have an **alcoholic drink** w/ a client at the bar?

- **Sport Psychologists** who travel with the teams
- Small towns
- Military bases



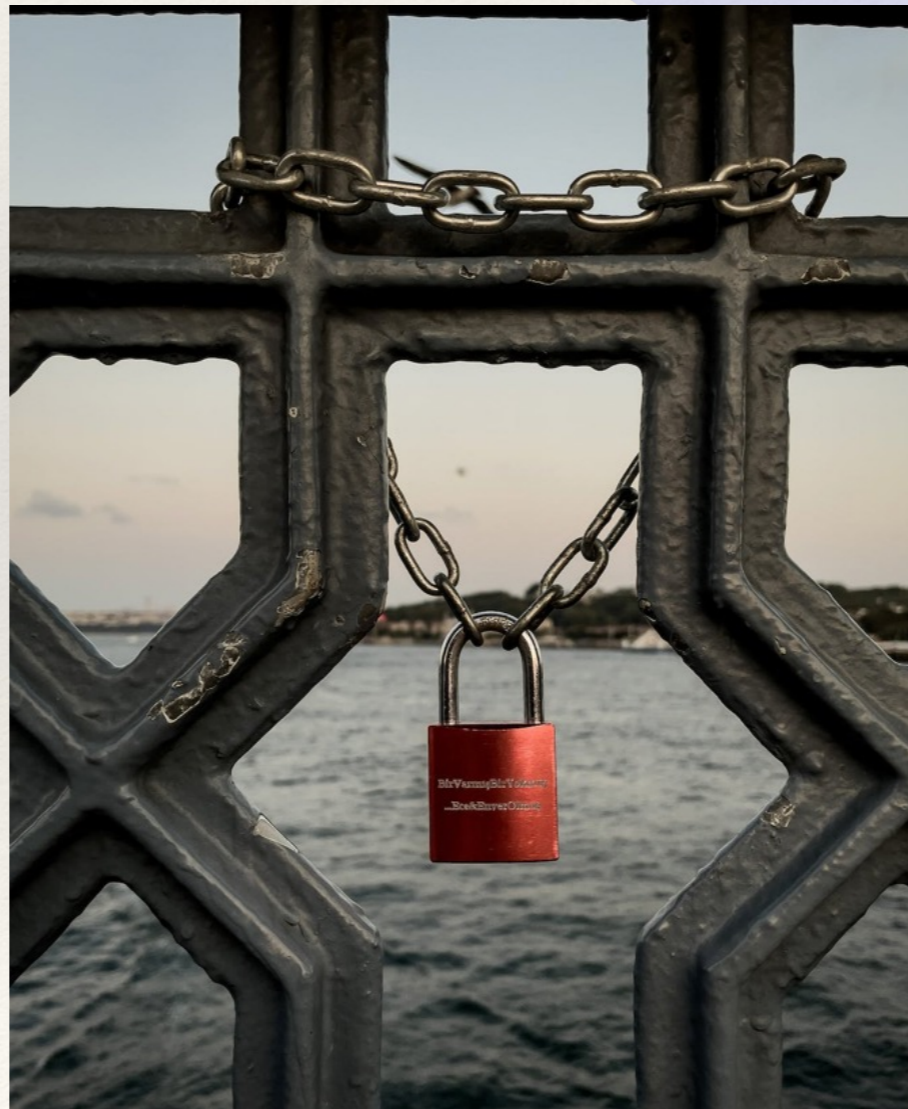
THINK CONTEXT



Boundary Violations by Therapists

Unethical & Below the Standard of Care

❖ Add image



Deconstructing Harry - 1997- [Woody Allen](#) & Kristie Alley

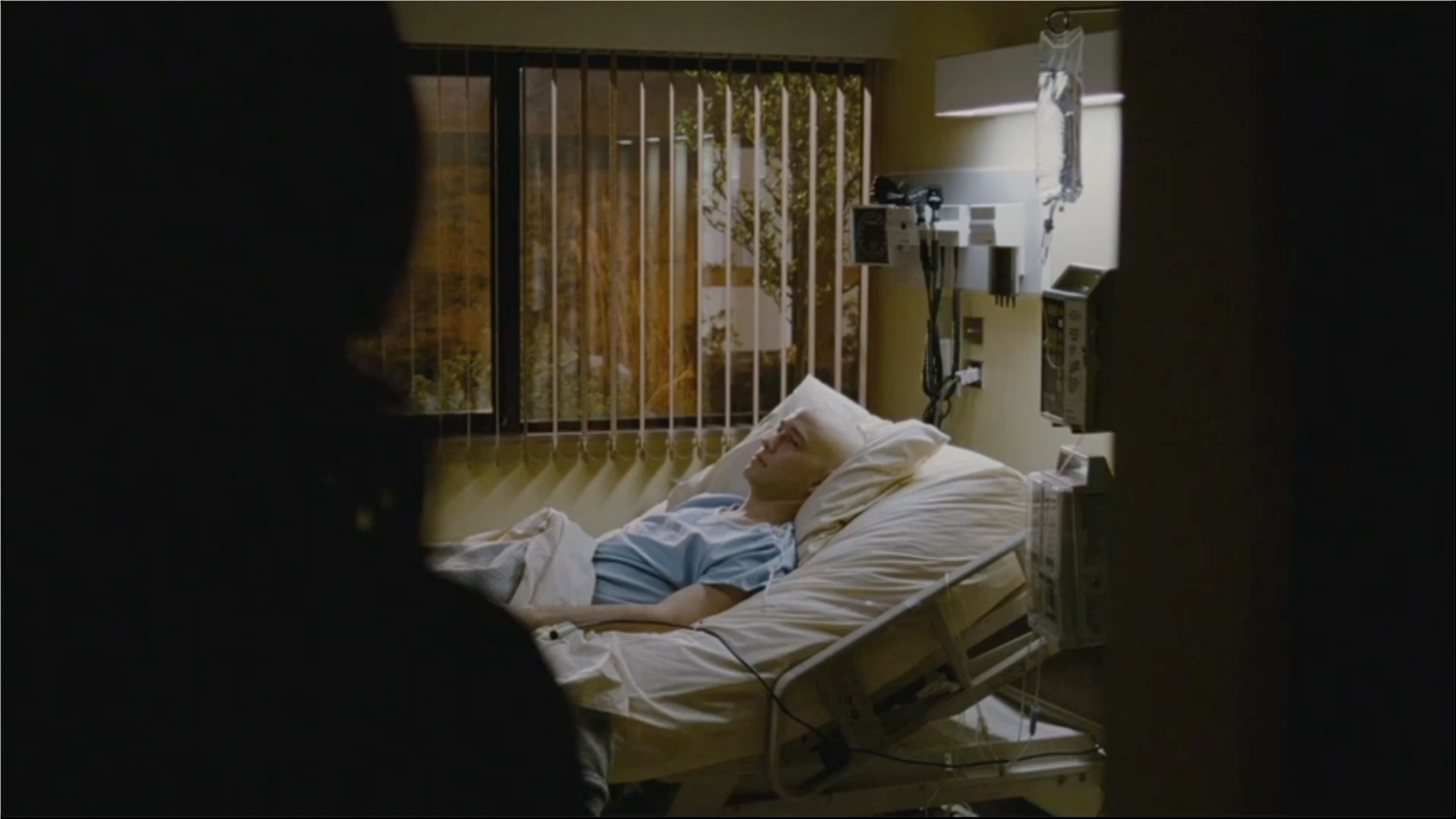


Gypsy / 1

Gypsy 2017



Prince of Tide - 1991



50 / 50: Young / new therapist w / Young Client

When Clients Cross & Violate Boundaries



In Treatment - HBO - Coffee 2010



What About Bob - 1991 - [Bill Murray](#) & [Richard Dreyfuss](#)

❖ *A Dangerous Method* - 2011 - Re: Jung & Sabina Spielrein



❖ *Sopranos* - 2000 - 2007

Boundary Violations by a Client



Rethinking “Power differential”: On Powerful Clients

“The **power differential** is the **inherently** greater **power** and influence that helping professionals have as compared to the people they help.”

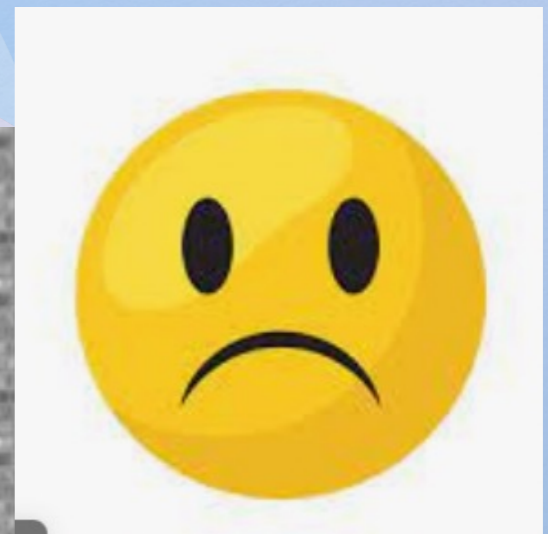
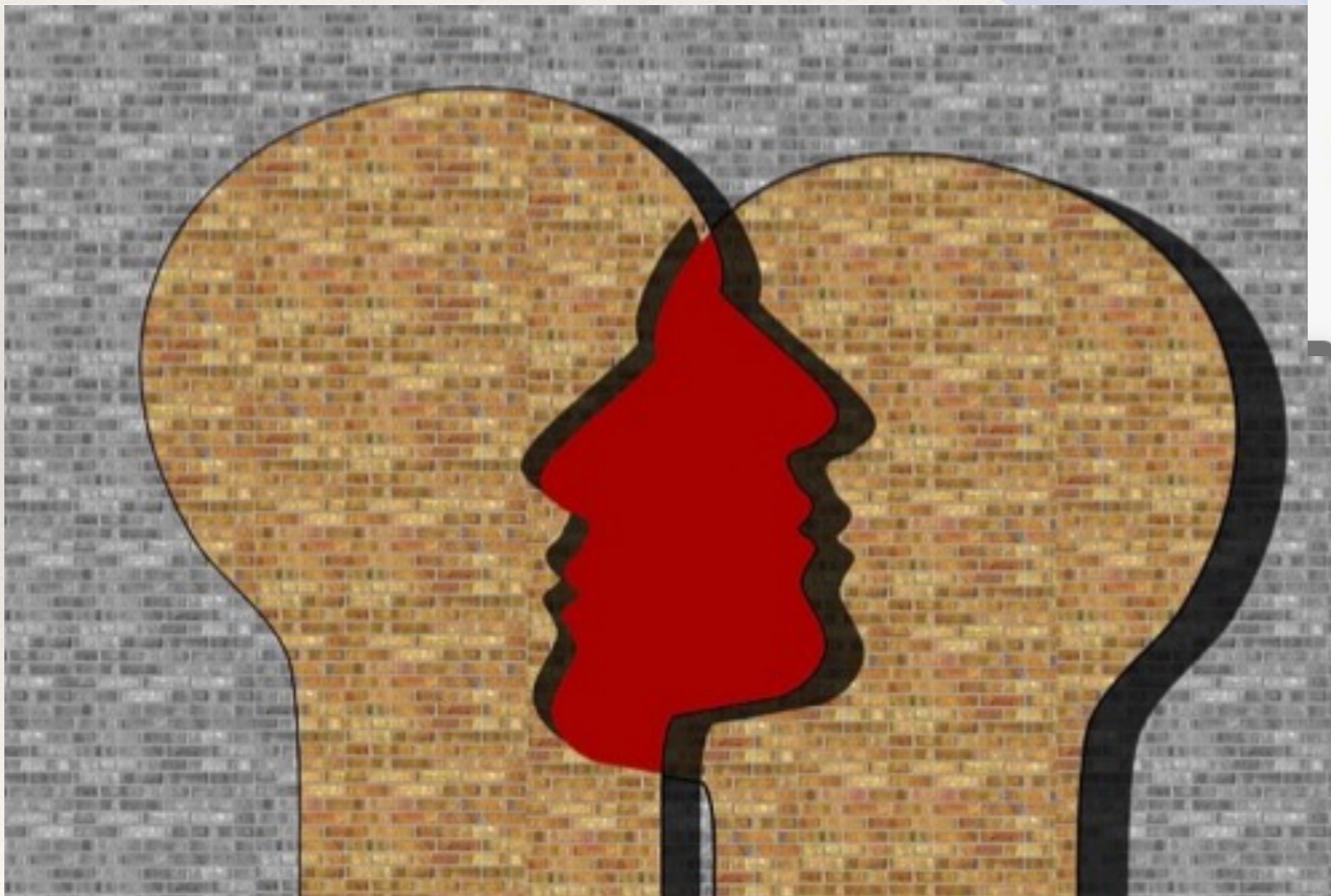






❖ The Voices - 2014

The Power of BDP's: You are one Borderline away from loosing your license



Re-Thinking Self Disclosure in the Digital Age

When clients **Google** or **Hack** their therapists





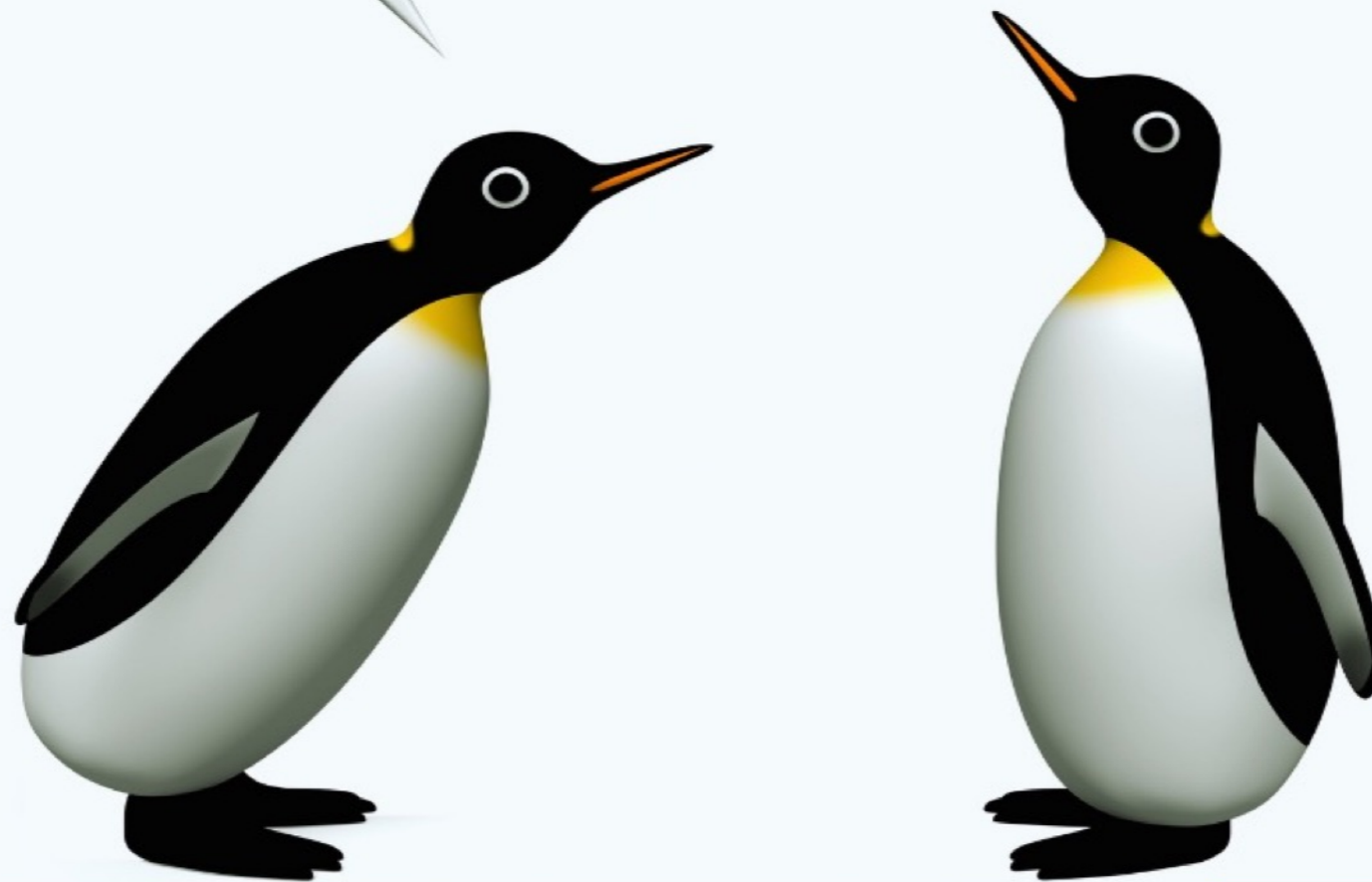
In Treatment - 2009 - Ex-client checks out Paul's FaceBook
& Sequential DR



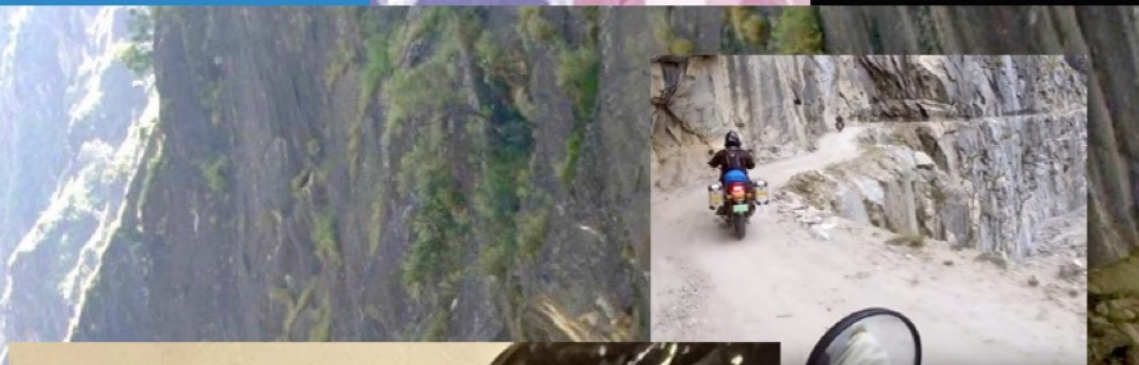
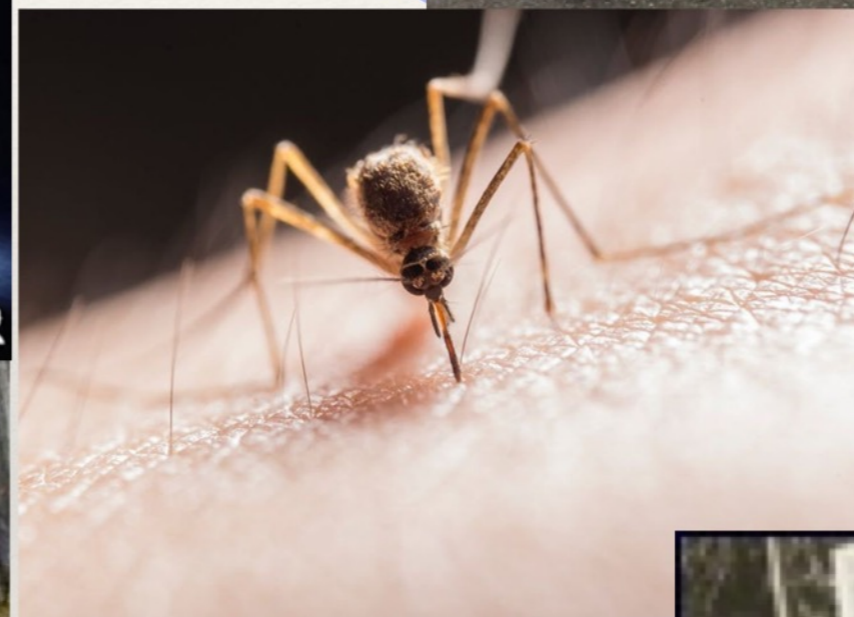
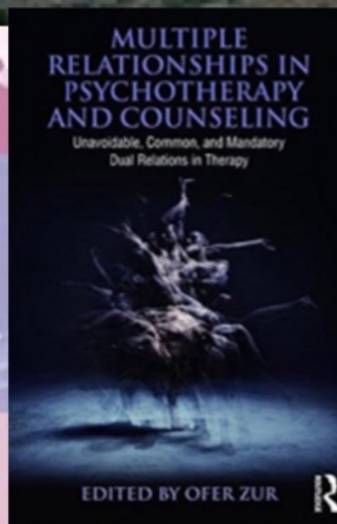
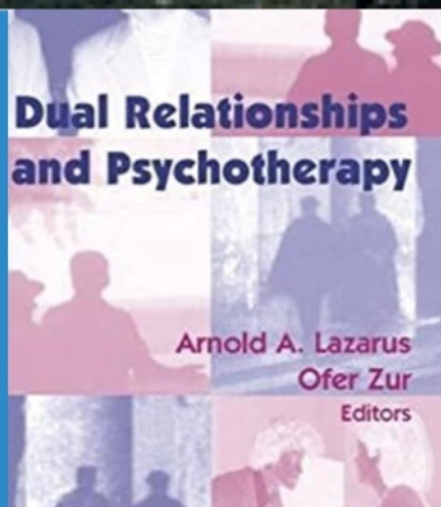
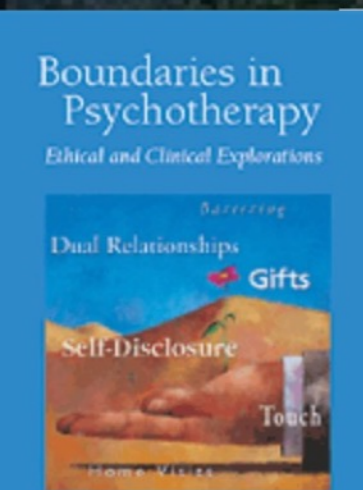
❖ *Mr. Robot* - 2015 - 2019

Therapist's Transparency & Self-Disclosure in the Internet Era

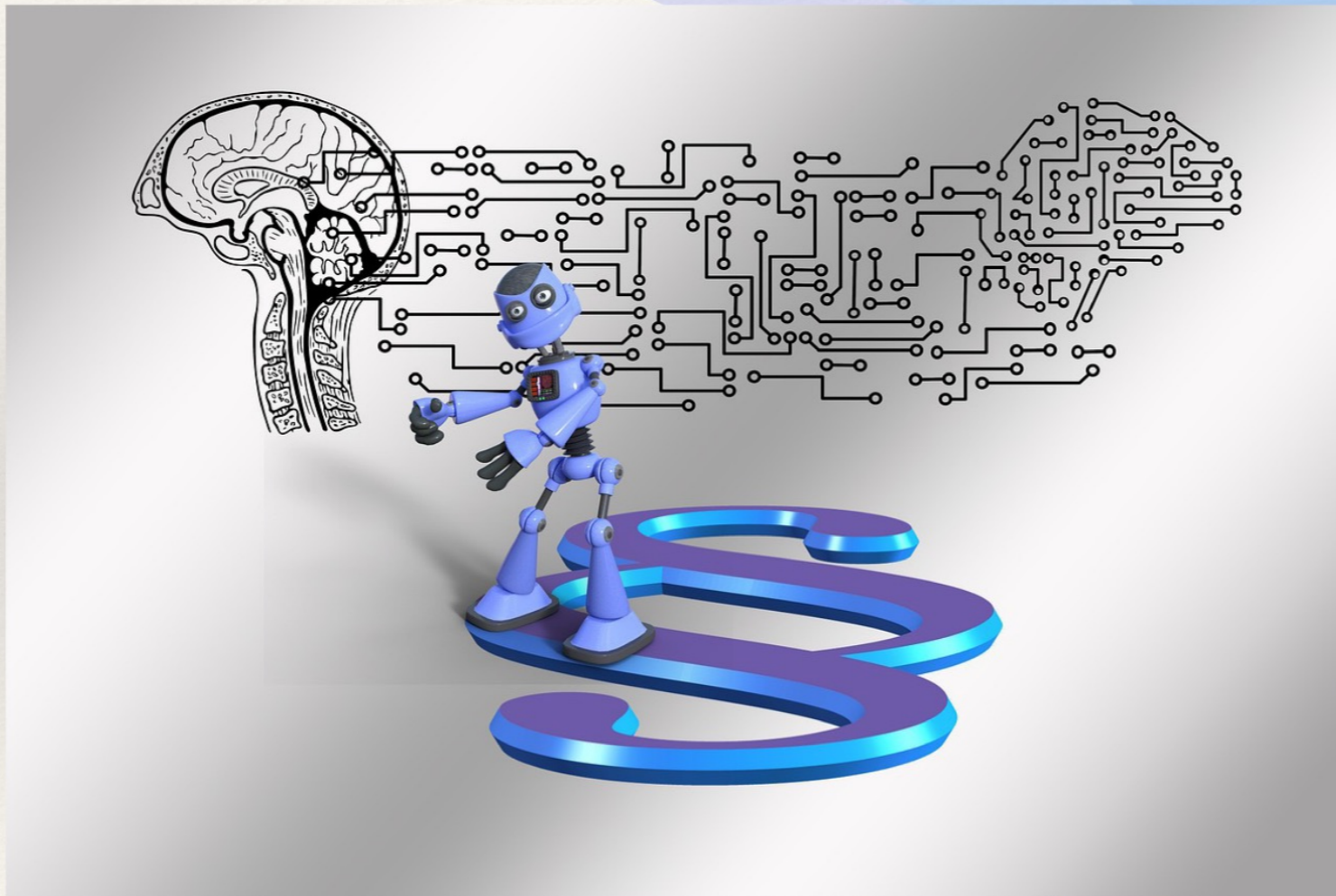
*"For some reason I have a funny feeling that I'm
being Googled."*



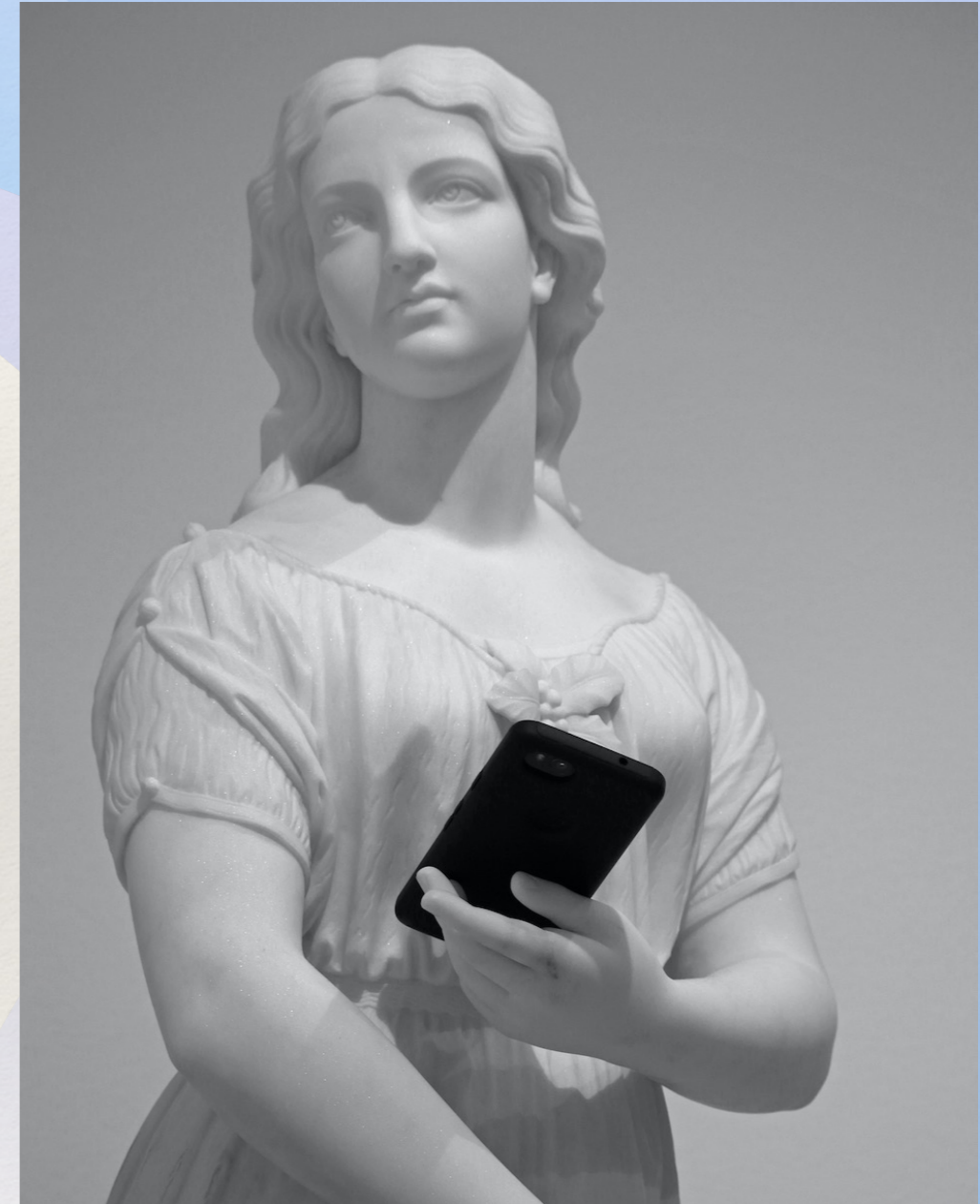
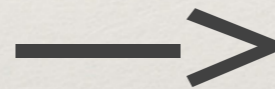
www.drzur.com/bio



Digital-Age Ethics



24/7 & Night-Time Social Media/Texting -> Sexting



Slippery slope (Disinhibition): Texting -> Social -> Sexual

Therapy & Texting 24/7

- Texting as part of Telehealth & F2F
- Generally, *no excuse* for midnight 'session' in standard therapy -
 - 24/7 Emergency resources:
 - * Crisis Text-Line: 741741
 - * Suicide Hot-Line: 988
 - * Of course: 911
- Popular Sites: **TalkSpace** - **BetterHelp**
- AI: After taking the free mental health assessment, it matches clients with a providers



❖ In Treatment - 4th season - 2021 - Night Session

The Online Disinhibition Effect

Lack of restraint when communicating online in comparison to in-person communicating (Suler 2004)

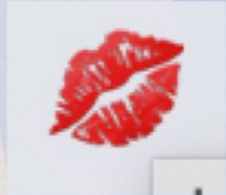

Anonymity * Invisibility * Imaginary World

Positive + & Negative -



7. Don't get carried away with Social Media, texts or e-mails.

No Texting... Into the night!

- ❖ Long trails of hundreds or thousands of texts, e-mails or social media communications have become prominent evidence of substandard care in board complaints & lawsuits
- ❖ Establishing digital boundaries
- ❖ Watchout for: Texting ->>> Sexting  
- ❖ Is texting part of treatment plan or just for administrative purposes?
- ❖ Discuss text content & response-time w/ clients [i.e., “No texting/e-mails after 6 pm”]
- ❖ Inform clients that texts are part of the clinical records
- ❖ Add a section in **Office Policies** regarding texts
- ❖ Include all digital communication as part of the clients' record
- ❖ **New:** National Suicide Prevention Lifeline: 988 [No Excuses]

Digital Age: New Definition of 'Sex'



“Sex” -> “Sexual Behavior” or “Sexual Intimacy”

“**Sexual behavior**” means inappropriate contact or **communication** of a sexual nature

Sexual Behavior: Sexting, sexy emails, sexy talk,

To Google or Not to Google Our Clients

Sample of Statement in the Informed Consent

Internet Searches:

- ❖ At times XX may conduct a web search on his/her clients before the beginning of therapy or during therapy. If you have concerns or questions regarding this practice, please discuss it with XX
- ❖ You may want to add:
 - ❖ If XX searched for you online, he/she will let you know and discuss the reason for it with you.



Develop & post **Social Media Policies** as part of your standard & telemental health Informed Consents

Include (also):

- Responding to friend requests from clients
- Confidentiality – Acknowledging the therapeutic relationships
- Discussing clinical issues
- Potential ‘slippery slope’ of digital dual relationships
- Googling clients
- “My posts are educational not professional advice”
- Reminds clients that their posts may jeopardize their confidentiality.
- Social media communication are part of the clinical records



CAMFT Social Media Confidentiality Disclosures and Record Keeping:
<https://www.camft.org/Resources/Legal-Articles/Chronological-Article-List/social-media-confidentiality-disclosures-and-record-keeping>

APA GUIDELINES for the Optimal Use of Social Media in Professional Psychological Practice

APA COMMITTEE ON PROFESSIONAL PRACTICE AND STANDARDS

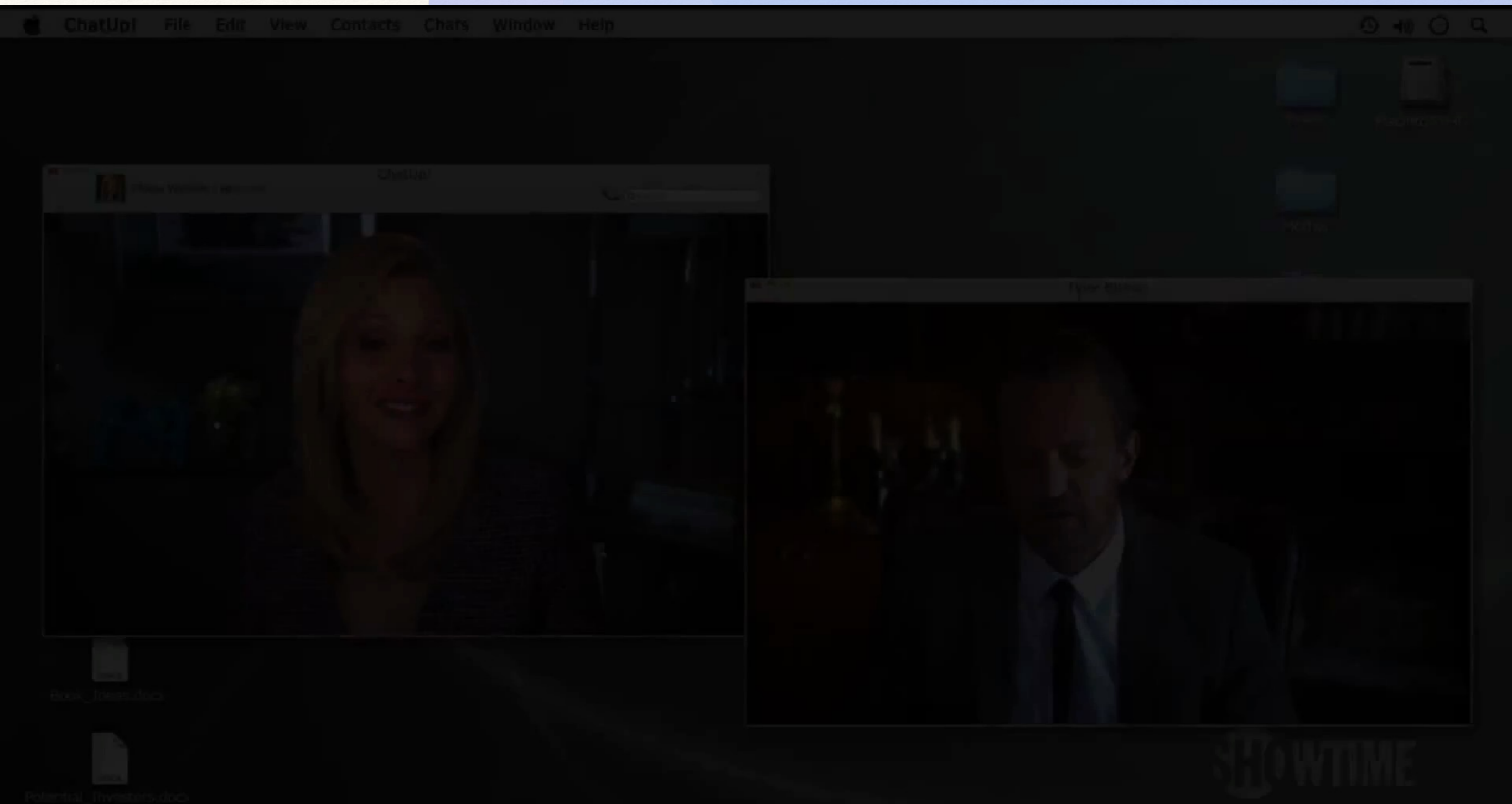
APPROVED BY APA COUNCIL OF REPRESENTATIVES
OCTOBER 2021

- ❖ <https://www.apa.org/about/policy/guidelines-optimal-use-social-media.pdf>

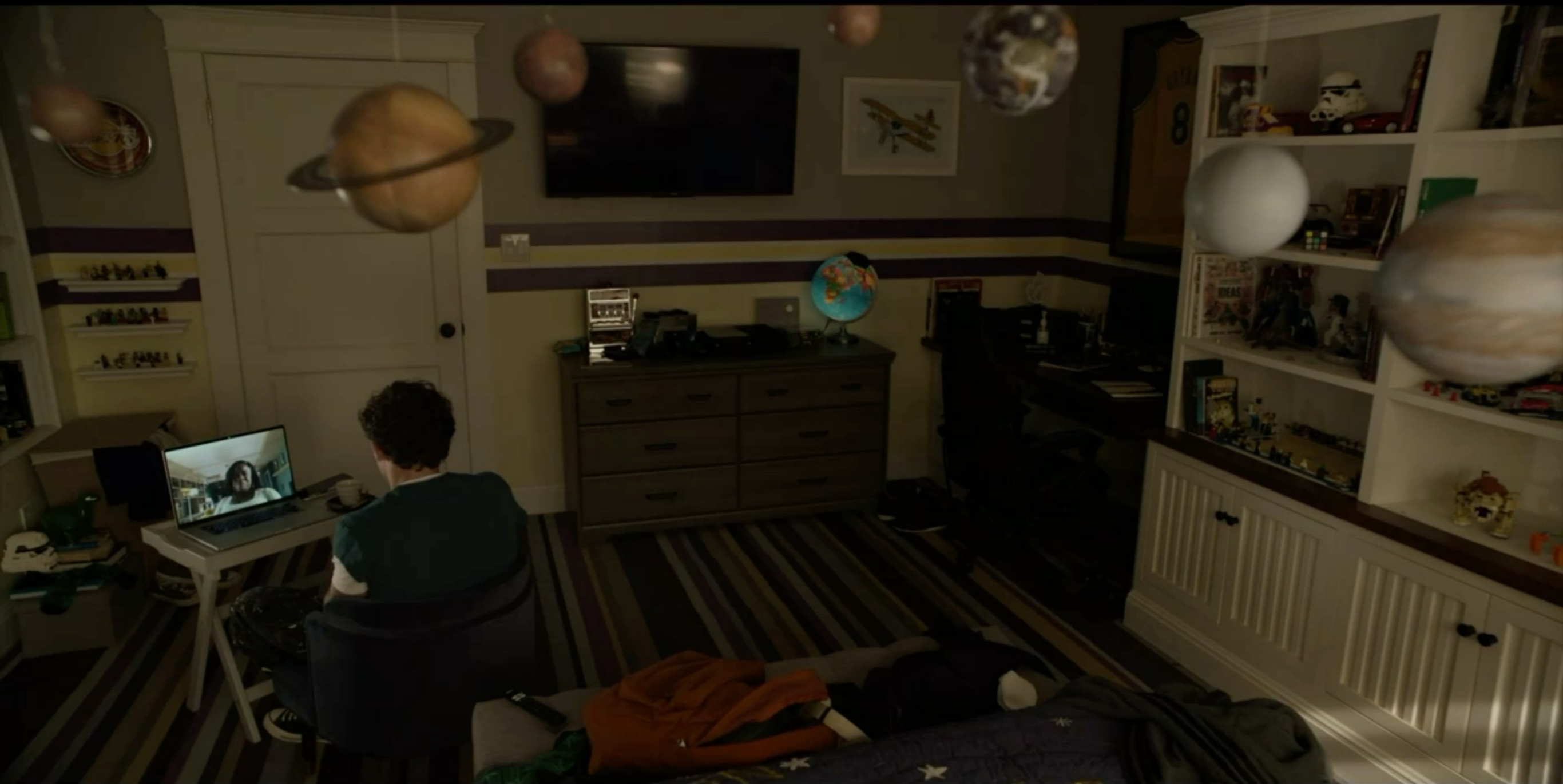
TeleMental Health Ethics

Concerns & Challenges in TeleMental Health The Future Is Here





❖ Web Therapy 3 min Sessions - 2011 - 2015



❖ In Treatment Season - 2021 - TeleMental Health

TeleMental Health

Main Concerns



- ❖ **Separate Informed Consent** for Telemental Health
- ❖ **Cross States' Lines**
- ❖ **Verification** of clients' identity, age, location, etc.
- ❖ Clients (therapists) **on the run**: In cars, in the park, on bicycles, others presence in the room....
- ❖ *** Social Media Policy**: Friends' Request, Googling clients +++

TeleMental Health – Additional Concerns

❖ **Emergencies:**

* **911** is **local**, **NOT** a national system - 911 is not transferable

- ❖ **Duty to warn & to protect:** Standards are different in different states

❖ **Unsuitable to some Clients-Therapists-Disorders-Testing/Assessment**

❖ **Disinhibition Effect** - Excessive self disclosure by therapists

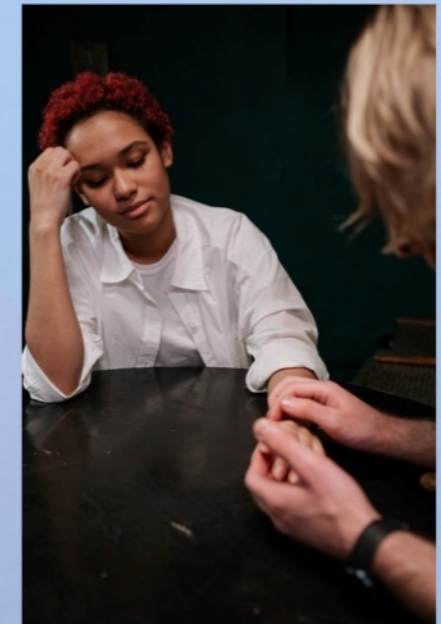
❖ **Internet disruptions**

❖ **Unauthorized recordings**

❖ **Privacy & Security**

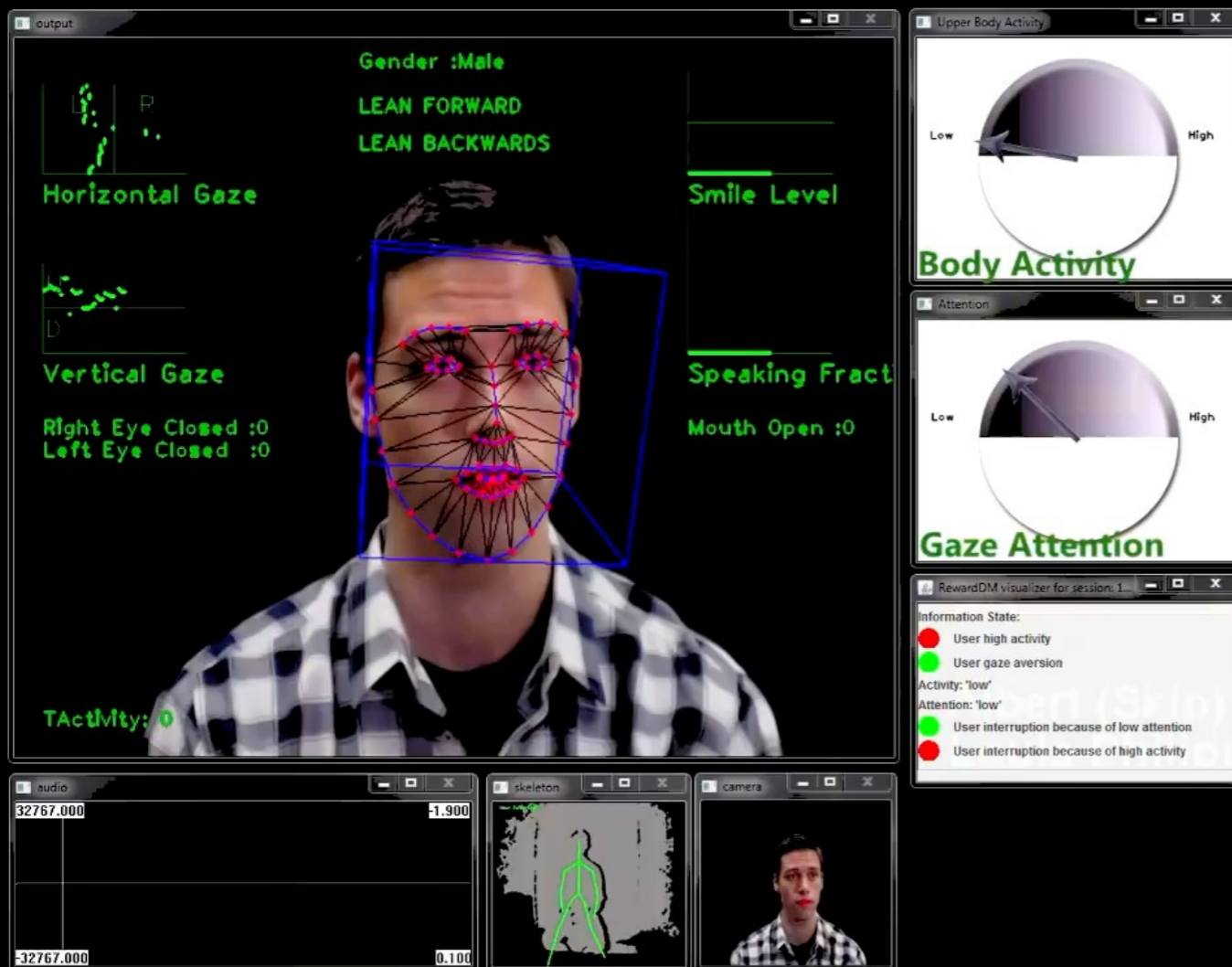
What is missing in TeleMental Health?

- **Physical touch:**
 - **Holding hands, Pats on the back, Hugs**
- **Tissue box – Kleenex**
- **Gifts of flowers, cake, book, music disk**
- **Cup of water**
- **‘Walk & Talk’**
- **Limited body language**



AI – The Future is Here

MultiSense



SimSensei

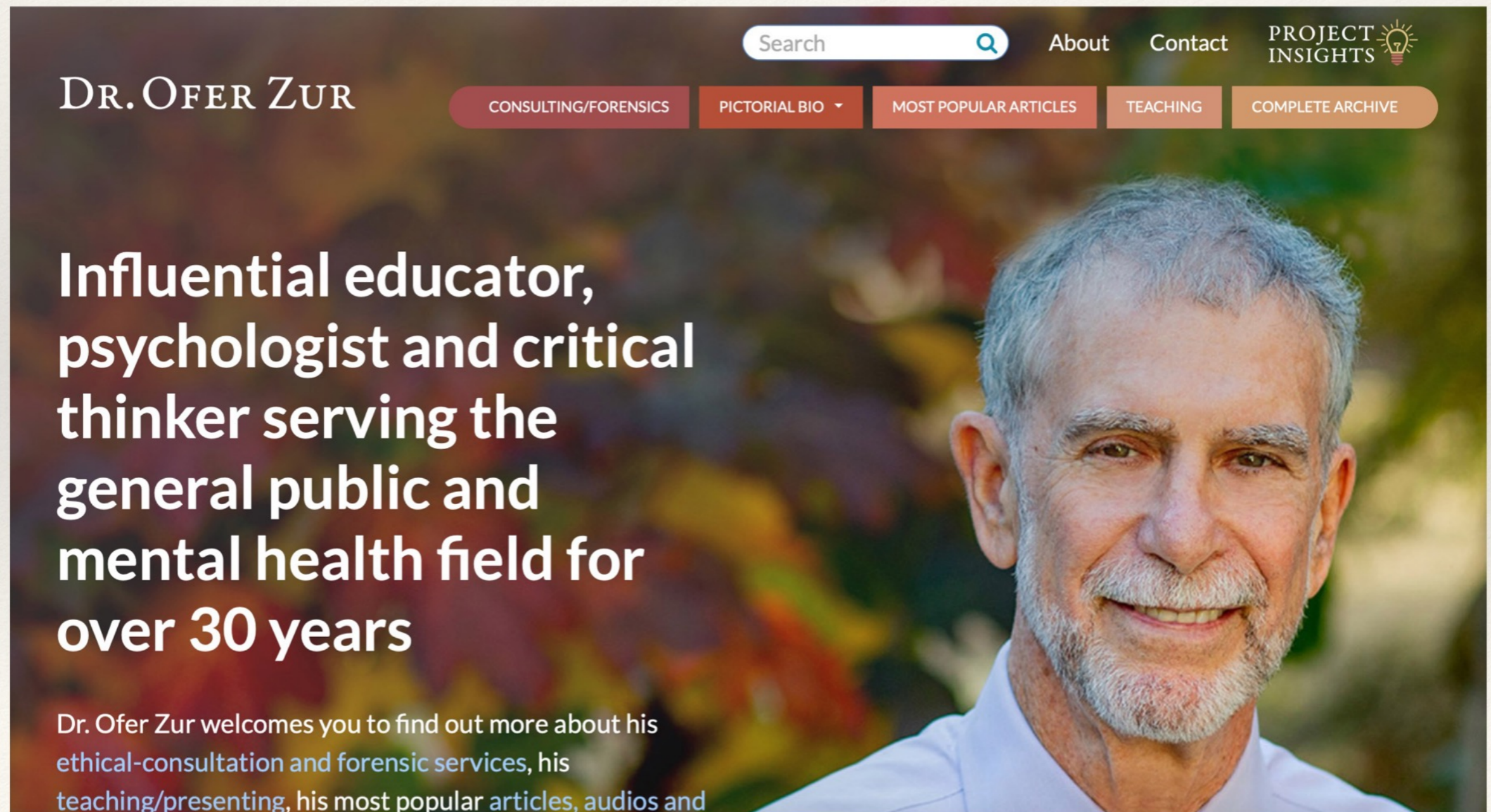


Home: www.drzur.com

Free Articles: www.drzur.com/favorite-articles/

Bio: www.drzur.com/bio/

Consultation: <https://drzur.com/consulting-forensics/>



The screenshot shows the homepage of Dr. Ofer Zur's website. The background is a portrait of Dr. Zur, a middle-aged man with grey hair and a beard, smiling. The text is overlaid on the left side of the image.

DR. OFER ZUR

Influential educator, psychologist and critical thinker serving the general public and mental health field for over 30 years

Dr. Ofer Zur welcomes you to find out more about his ethical-consultation and forensic services, his teaching/presenting, his most popular articles, audios and

Navigation and Search:

- Search bar with a magnifying glass icon.
- Links: About, Contact, PROJECT INSIGHTS (with a lightbulb icon).
- Menu items: CONSULTING/FORENSICS, PICTORIAL BIO (with a dropdown arrow), MOST POPULAR ARTICLES, TEACHING, COMPLETE ARCHIVE.

❖ Share a movie:
<https://drzur.com/movies/>

On the Silver Screen: Psychotherapy & Shrinks in Popular Movies & TV series

This section is about how psychotherapy, psychiatry, counseling, social work or marriage and family therapy and therapists themselves are viewed in popular movies and TV series.

SHARE A MOVIE

SEE BELOW FOR SUBMISSIONS



*The
End*