



*Legal and Ethical Issues
in Prevention and Treatment
of Alcohol Use Disorders*

NIAAA Social Work Education
Module 9

revised3/04



Outline

- Background information
- Confidentiality
- Informed consent
- The duty to care
- Respecting client self-determination
- Credentialing mechanisms

Background

- Autonomy
- Nonmalfeasance
- Beneficence
- Justice
- Fidelity
- Veracity



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Confidentiality

Confidentiality concerns may deter individuals from seeking needed alcohol treatment services

Office of the Surgeon General

Drug Abuse Prevention, Treatment,
and Rehabilitation Act (21 U.S.C. 1175)

Section 42 of the Code of Federal
Regulations, Part 2 (CFR)

Confidentiality

- Release of information
- Primary source
- Secondary source
- Third entity



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Confidentiality (continued)

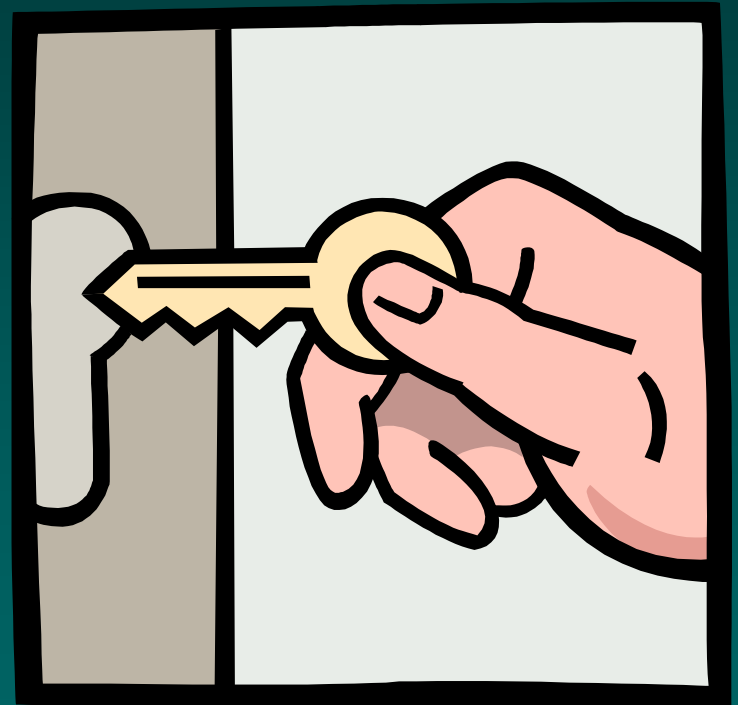
- Limitations to confidentiality: informing clients up front
- What are the limitations?
- Limitation related to minors



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Confidentiality (continued)

- To whom do the rules apply?
- To what do the rules apply?
- What about security?



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Confidentiality (continued)

Additional Circumstances:

- Mandatory reporting
- Tarasoff and the duty to warn/protect
 - Specific occupations
 - Minors
 - Driving drunk
- HMOs



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Confidentiality (continued)

- Informing clients regarding limits to confidentiality
- Disclosure
- Disclosure and therapeutic alliances
- Duress



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Informed Consent

- Obtaining consent
- Explaining options
- Medication?



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Informed Consent (continued)

Issues of Consent:

- Client competency
- Client comprehension of information being presented
- Client autonomy (voluntary without duress)



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Duty to Care

- Obligation to provide service vs. termination for violating treatment plan

Motivation?

Non-drinking policies?

Non-medication policies?



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Practice Standards



- Alcohol treatment specialists in social work (NASW specialty in ATOD)
- Standards for care (e.g., ASAM)
- Resources limit access?



Factual Information

- Empirical support for “facts”
- Informed populations (internet and other media sources, public access to scientific reports)
- Social work responsibility to be informed





Self - Determination

- Mandated services vs. types of services
- Cultural sensitivity, difference in “world views”
- Setting treatment goals (controlled drinking vs. abstinence)



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Credentialing

- Mandated qualifications
- Specialization certifications
- MSW plus...
 - NAADAC
 - ICRC
 - ATOD



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Appendices

Additional Materials for Social
Work Education Opportunities



Tarasoff vs. California Board of Regents

- Duty to warn prospective victims of a client's intentions
- Possible Tarasoff situations:
 - HIV positive client having sex with unaware partner?
 - Client whose intoxication/hangovers could jeopardize lives? (e.g., pilots, drivers, medical care personnel)
 - Teenagers practicing unsafe sex?
 - Riding with drunk drivers, driving drunk?



Solutions?

- Be proactive and preplan (e.g., develop policies for sending drunk clients home safely)
- Consult colleagues
- Know relevant policies (e.g., school rules, local laws)
- Understand duty to commit clients who are an acute danger to self or others
- Inform clients **BEFORE** beginning treatment (informed consent and limitations to confidentiality)