

The Behnke "Bin Analysis"

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The first step in thinking through an ethically challenging situation, or in helping someone else think through such a situation, is to "get a handle" on it. We in the CPA Ethics Committee find the conceptual scheme developed by APA Ethics Director Stephen Behnke, JD, PhD useful in this process. (Behnke, S. (2014). [What kind of issue is it?](#) *Monitor on Psychology*, 45, 62-63)

Behnke poses the following questions to guide the process (my paraphrasing):

- What are the important elements in the situation?
- Which elements go in which bin (ethical, risk management, legal, clinical)?
- Are there tensions between the bins?
- Does the situation require that one bin have priority?
- Is there needed expertise outside of the consultant's expertise? If so, who has it?

For example, consider the following situation: You're meeting a psychologist colleague for dinner. As you arrive at his office, his last patient is leaving. He's slumped in his chair and looks exhausted. You think you smell alcohol. You tell him he looks tired. He replies irritably, "No kidding, Sherlock." Then his eyes close and you can't tell whether he's awake.

Your "bin analysis" might start with the following questions:

Ethical: Do you have an obligation as a psychologist to try to prevent him from seeing patients while intoxicated? (Hint: Yes. See APA Ethics Code Standards 1.04, 1.05, and 2.06.)

Legal: Are there relevant laws about patient confidentiality, obligations as a bystander, etc.?

Risk Management: Could you be sued or be the subject of a Board complaint for intervening or for not intervening?

Clinical: What would be the most effective way of intervening?