

Health and Mental Health Association Codes of Ethics: Provisions Regarding Conflicts between Ethics and Law

As described in the [Call for Comments](#), the Ethics Committee is reviewing how the *Ethical Principles of Psychologists and Code of Conduct* (2002) addresses conflicts between ethics and law. As part of its Council-directed review, the Ethics Committee has requested that the Ethics Office examine how other health and mental health associations address conflicts between ethics and law in their ethics codes. The tables below provide the findings and analyses of the Ethics Office. The first table provides the text of the relevant provisions from the codes and related information. The second set of tables places the codes into one of four categories according to how the codes address conflicts between ethics and law.

Several notes about methodology will be helpful to readers. First, because it was not feasible to review every ethics code (there are several hundred, perhaps over a thousand), the focus has been on U.S. health and mental health associations and on international psychological associations whose ethics codes are available in English. Only documents explicitly identified as ethics documents and codes of conduct are included. Thus, documents identified as practice guidelines, position statements, and professional standards are not included.

Codes have been placed into four categories. The first category consists of ethics codes that require a member to follow the law when there is an irreconcilable conflict between ethics and law. Codes placed into this category use words such as *must*, *has an obligation to*, and *is required to* in describing what a member must do when ethics and law conflict.

The second category consists of ethics codes that require a member to follow the ethics code when there is an irreconcilable conflict between ethics and law. These codes use the language of obligation (e.g., *must*, *has an obligation to*, *is required to*) in describing what a member must do.

The third category consists of ethics codes that allow member discretion in determining what to do when there is an irreconcilable conflict between ethics and law. The language of these codes (e.g., *may*, *should*, *is encouraged to*) is such that a member may choose either to follow the law or to follow the ethics code when ethics and law conflict. These codes generally allow, but do not require, civil disobedience. The word *discretion* connotes that the ultimate arbiter of action is the individual member, rather than the association. Many association codes place an affirmative obligation on a member to undertake a process before deciding upon a course of action when there is an irreconcilable conflict between ethics and law. For this reason, discretion should not be interpreted to mean the absence of a requirement for a thoughtful and deliberative decision-making process because in many instances the code imposes such an obligation.

The fourth category consists of ethics codes that do not have an explicit provision addressing a member's obligations when ethics and law conflict. Thus, these codes do not

generally provide guidance to a member faced with an irreconcilable conflict between ethics and law. The lack of guidance may be for several reasons, for example, because a code does not address legal obligations, or because a code addresses legal obligations but does not acknowledge that ethical and legal obligations may conflict. In the latter category are codes that impose an obligation to follow both the ethics code and the law, without comment on how to proceed should a conflict between the two arise.

For purposes of this table, a conflict between ethics and law occurs when the professional has legal and ethical obligations that are mutually exclusive, so that the professional cannot fulfill the requirements of both. In certain instances, the law imposes requirements that an ethics code does not; at other times, an ethics code may require more than law, regulation, or other governing legal authority requires. These instances do not necessarily entail a conflict between ethics and law because, although the requirements may differ, the professional may nonetheless meet the requirements of both. A conflict arises when fulfilling the requirements of one results in violating the other. In other words, following the law *necessarily* entails violating the Ethics Code, and conversely, following the Ethics Code *necessarily* violates the law.

The Committee invites individuals and groups to comment on the methodology in creating these tables, and to call to the Committee's attention errors, newer versions of codes, and other documents that may be missing and appropriately included. To comment on these tables, go to the [Call for Comments page](#) which provides additional information about commenting on the review of Standard 1.02 and a link to the comments form.

**Table of Health and Mental Health Association Codes of Ethics:
Provisions Regarding Conflicts Between Ethics and Law**

Organization, code adoption date, Web address	Recognizes conflicts can occur?	Response to conflict between ethics and law	Closest provisions concerning ethics and law
American Academy of Psychiatry and the Law 2005 Ethics Guidelines for the Practice of Forensic Psychiatry	No		
American Association of Christian Counselors	Yes	Member discretion	<u>ES5-400 Resolving Conflicts with the State and Its Laws</u> <u>5-410 The Higher Law of Jesus Christ</u>

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<p>2004</p> <p>Code of Ethics</p>			<p>Christian counselors are bound to honor the law in every way possible. However, when the law is in direct opposition to God, and if unable to harmonize the mandates of Scripture and the law, we declare and support the right of Christian counselors to elect nonadherence to those laws that offend the way of Christ.</p> <p><u>5-411 First, Act to Resolve Legal Conflict</u></p> <p>Christian counselors always seek first the peaceable and biblically-defensible resolution of disputes with the state and its laws. After proper consultation, including consulting with an attorney and with Christian counseling colleagues and leaders, we will attempt to define and advocate for a new and harmonious legal standard as an alternative to the law-offending rule at issue. This newly proposed standard will honor Christ, protects the client's best interest, and shows how the action of the new rule fulfills the intent or policy behind the law.</p> <p><u>5-412 When Legal Harmony Is Not Reached</u></p> <p>If harmony is not possible with the state and its laws, and after all attempts to resolve the issue have been exhausted, Christian counselor may elect action that violates the law for the sake of Christ or the client. The violative action should be defensible</p>

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			<p>biblically, logically, clinically and, if possible, by the law's intent or policy.</p> <p>Counselors shall (1) define the law that cannot be respected in the narrowest form possible, (2) declare to honor all other legal mandates, (3) consult with other colleagues, including lawyers, and soberly count the cost of such action, and (4) be prepared to face any consequences that may be imposed for violation of the law.</p>
<p>American Association of Marriage and Family Therapists</p> <p>2001</p> <p>Code of Ethics</p>	Yes	Law	<p><u>Preamble</u></p> <p>Both law and ethics govern the practice of marriage and family therapy. When making decisions regarding professional behavior, marriage and family therapists must consider the AAMFT Code of Ethics and applicable laws and regulations. If the AAMFT Code of Ethics prescribes a standard higher than that required by law, marriage and family therapists must meet the higher standard of the AAMFT Code of Ethics.</p> <p>Marriage and family therapists comply with the mandates of law, but make known their commitment to the AAMFT Code of Ethics and take steps to resolve the conflict in a responsible manner.</p>
<p>American Association of Pastoral Counselors</p> <p>1994</p> <p>Code of Ethics</p>	No		
<p>American Association of Sexuality</p>	No		

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Educators, Counselors and Therapists 2008 Code of Ethics			
American Counseling Association 2005 Code of Ethics	Yes	Member discretion	<u>H.1.b. Conflicts Between Ethics and Laws</u> If ethical responsibilities conflict with law, regulations, or other governing legal authority, counselors make known their commitment to the <i>ACA Code of Ethics</i> and take steps to resolve the conflict. If the conflict cannot be resolved by such means, counselors may adhere to the requirements of law, regulations, or other governing legal authority.
American Dental Association 1996 Principle of Ethics and Code of Professional Conduct	No		
American Group Psychotherapy Association 2002 Guidelines for Ethics	No		
American Medical Association 2001 Principles of Medical Ethics	Yes	Member discretion	<u>Principles of medical ethics</u> III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are

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			<p>contrary to the best interests of the patient.</p> <p><u>E-1.02 The Relation of Law and Ethics</u> The following statements are intended to clarify the relationship between law and ethics.</p> <p>Ethical values and legal principles are usually closely related, but ethical obligations typically exceed legal duties. In some cases, the law mandates unethical conduct. In general, when physicians believe a law is unjust, they should work to change the law. In exceptional circumstances of unjust laws, ethical responsibilities should supersede legal obligations.</p>
American Mental Health Counselors Association 2000 Code of Ethics	No		
American Nursing Association 2005 Code of Ethics for Nurses	No		

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American Psychiatric Association (Annotations specific to psychiatry) 2001 Principles of Medical Ethics Specific to Psychiatry	Yes	Member discretion	<u>Section 3</u> 1. It would seem self-evident that a psychiatrist who is a law-breaker might be ethically unsuited to practice his or her profession. When such illegal activities bear directly upon his or her practice, this would obviously be the case. However, in other instances, illegal activities such as those concerning the right to protest social injustices might not bear on either the image of the psychiatrist or the ability of the specific psychiatrist to treat his or her patient ethically and well. While no committee or board could offer prior assurance that any illegal activity would not be considered unethical, it is conceivable that an individual could violate a law without being guilty of professionally unethical behavior. Physicians lose no right of citizenship on entry into the profession of medicine.
American Psychoanalytic Association 2006 Principles and Standards of Ethics for Psychoanalysts	Yes	Member discretion	<u>Guiding General Principles:</u> <u>IX. Social Responsibility.</u> A psychoanalyst should comply with the law and with social policies that serve the interests of patients and the public. The Principles recognize that there are times when conscientious refusal to obey a law or policy constitutes the most ethical action.
American Psychological Association 2002 Ethical Principles of	Yes	Member discretion	<u>1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority</u> If psychologists' ethical responsibilities conflict with law,

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Psychologists and Code of Conduct			regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolvable via such means, psychologists may adhere to the requirements of the law, regulations, or other governing legal authority.
American School Counselor Association 2004 Ethical Standards for School Counselors	Yes	Member discretion	<u>F. RESPONSIBILITIES TO THE PROFESSION</u> <u>F.1. Professionalism</u> The professional school counselor: d. Adheres to ethical standards of the profession, other official policy statements, such as ASCA's position statements, role statement and the ASCA National Model, and relevant statutes established by federal, state and local governments, and when these are in conflict works responsibly for change.
American Society of Clinical Hypnosis 2007 Code of Conduct	No		
Association of Professional Chaplains 2000 Code of Ethics	No		
Association of State and Provincial Psychology Boards	Yes	Law	<u>I. Introduction.</u> <u>B Scope.</u> This Code shall not supersede state, federal or provincial statutes.

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2005 Code of Conduct			
Australian Psychological Society 2007 Code of Ethics	No		
British Psychological Society 2006 Code of Conduct and Ethical Guidelines	Yes	Law	<u>2.2 Standard of Ethical Decision Making</u> <i>Psychologists should:</i> (vii) Given the existence of legal obligations that may occasionally appear to contradict certain provisions of this Code, analyse such contradictions with particular care, and adhere to the extent possible to these Ethical Principles while meeting the legal requirements of their professional roles.
Bulgarian Psychological Society 2005 Ethical Code	No		
Canadian Psychological Association 2000 Code of Ethics for Psychologists	Yes	Member discretion	<u>Principle IV: Responsibility to Society</u> IV.17 Familiarize themselves with the laws and regulations of the societies in which they work, especially those that are related to their activities as psychologists, and abide by them. If those laws or regulations seriously conflict with the ethical principles contained herein, psychologists would do whatever they could to uphold the

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			<p>ethical principles. If upholding the ethical principles could result in serious personal consequences (e.g., jail or physical harm), decision for final action would be considered a matter of personal conscience.</p> <p>IV.18 Consult with colleagues, if faced with an apparent conflict between abiding by a law or regulation and following an ethical principle, unless in an emergency, and seek consensus as to the most ethical course of action and the most responsible, knowledgeable, effective, and respectful way to carry it out.</p> <p>IV.29 Speak out and/or act, in a manner consistent with the four principles of this <i>Code</i>, if the policies, practices, laws, or regulations of the social structure within which they work seriously ignore or contradict any of the principles of this <i>Code</i>.</p>
<p>Chinese Psychological Society</p> <p>2007</p> <p>Code of Ethics for Counseling and Clinical Practice</p>	No		
<p>Clinical Social Work Federation</p> <p>1997</p> <p>Code of Ethics</p>	Yes	Law	<p><u>Principle VI. CLINICAL SOCIAL WORKERS' RESPONSIBILITIES TO THE COMMUNITY</u></p>

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			b) Clinical social workers practice their profession in compliance with legal standards, and do not participate in arrangements or activities which undermine or violate the law. When they believe, however, that laws or community standards are in conflict with the principles and ethics of the profession, they make known the conflict and work responsibly toward change that is in the public interest.
Commission on Rehabilitation Counselor Certification 2002 Code of Ethics	Yes	Member discretion	<u>D.2. LEGAL STANDARDS</u> a. LEGAL VERSUS ETHICAL. Rehabilitation counselors will obey the laws and statutes of the legal jurisdiction in which they practice unless there is a conflict with the Code, in which case they should seek immediate consultation and advice.
Croatian Psychological Society 1996 Code of Ethics	No		
Czech-Moravian Psychological Society 1998 Code of Ethics	No		

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European Federation of Psychologists' Associations 2005 Ethical Codes	Yes	Member discretion	3.2 Psychologists will inevitably meet situations in which professional ethical principles will be in conflict with one another or with the law. Then, it is impossible to act in accordance to all ethical principles equally. Thus psychologists are faced with ethical conflicts which bring them into dilemmas concerning how to balance the relative significance of relevant ethical principles in the given situation.
Feminist Therapy Institute 1999 Code of Ethics	Yes	Member discretion	<u>Preamble</u> The Feminist Therapy Institute's Code of Ethics is shaped by economic and cultural forces in North America and by the experiences of its members. Members encourage an ongoing international dialogue about feminist and ethical issues. It recognizes that ethical codes are aspirational and ethical behaviors are on a continuum rather than reflecting dichotomies. Additionally, ethical guidelines and legal requirements may differ. The Feminist Therapy Institute provides educational interventions for its members rather than disciplinary activity.
German Psychological Society 1999 Ethical Principles	Yes	Law	<u>A. Preamble</u> . . . It is essential that the high standing of the profession is safeguarded by establishing a differentiated mesh of ethical and legal provisions. . . . Laws or legal standards which may restrict the applicability of these ethical principles in specific areas of practice shall have precedence.
Hong Kong Psychological Society	Yes	Member discretion	10.8 When conflicts arise between the Members' professional standards and the requirements of legal authorities, the Members

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1998 Professional Code of Practice			shall make the legal authorities aware of the source of the conflicts and take reasonable steps to resolve such conflicts. Such steps include, but are not limited to, obtaining the advice of fellow Members and/or of independent counsel, and conferring directly with the legal representatives involved.
International Association for Analytical Psychology 2005 Code of Ethics	No		
International Association of Applied Psychology 2008 Universal Declaration of Ethical Principles for Psychologists	No		
International Association of Marriage and Family Counselors 2005 Ethical Code	No		
International Federation of Social Workers 2004 Ethics in Social Work, Statement of Principles	Yes	Member discretion	8. Social workers need to acknowledge that they are accountable for their actions to the users of their services, the people they work with, their colleagues, their employers, the professional association and to the law, and that these accountabilities may conflict.

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International Union of Psychological Science 2008 Universal Declaration of Ethical Principles for Psychologists	No		
Iranian Organization of Psychology and Counseling Not available Ethics Code	Yes	Law	<u>10. Solving Ethical Problems and Conflicts</u> 10.2 At times when there are conflicts between rules of professional ethics and the law, after trying to use reasonable, rational ways and following the rules of professional ethics to solve the conflict, if the conflict remains irresolvable, psychologists and counselors are obliged to obey the law.
Israeli Psychological Association 2004 Code of Ethics	Yes	Law	<u>Guiding Principles</u> <u>Principles D- Respect of human's rights</u> ... When legal obligations contradict the above rights, psychologists need to attempt to find a suitable resolution. <u>1.2 The relationship between law and ethics.</u> In case of a conflict between the ethics code and legal instructions, psychologists should honor the law, while emphasizing their commitment to the ethics code, and taking steps to resolve the conflict adequately.

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Latvian Association of Professional Psychologists Not available Code of Ethics	Yes	Member discretion	<u>General Principles</u> 1. Psychologists conduct their professional and scientific work with this Ethics Code, and with employment regulations as established by the government. When other regulations conflict with ethical principles, good faith efforts are instituted to resolve problems and discrepancies. Should these efforts prove ineffective, ethical principles should take precedent. 3. Psychologists respect and promote the development of the fundamental rights, dignity and worth of all people. Psychologists respect the rights of individual to privacy, confidentiality, self-determination and autonomy, consistent with the psychologists' other professional obligations and with the law. <u>Implementation of the Ethics Code</u> 4. If other regulations conflict with the Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, seek the advice of the Ethics Committee, and to the extent feasible, seek to resolve the conflict in a way that permits the fullest adherence to the Ethics Code.
Lithuanian Psychological Association 2005	No		

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Code of Ethics			
Malta Union of Professional Psychologists Not available Charter of Professional Ethics	No		
National Association of School Psychologists 2000 Principles for Professional Ethics	Yes	Law	<p><u>I. INTRODUCTION</u> At times, the <i>Ethics</i> may require a higher standard of behavior than the prevailing policies and pertinent laws. Under such conditions, members should adhere to the <i>Ethics</i>. Ethical behavior may occasionally be forbidden by policy or law, in which case members are expected to declare their dilemma and work to bring the discrepant regulations into compliance with the <i>Ethics</i>.</p> <p><u>III. PROFESSIONAL RELATIONSHIPS</u> <u>D. Community</u> 5. School psychologists adhere to federal, state, and local laws and ordinances governing their practice and advocacy efforts. If regulations conflict with ethical guidelines, school psychologists seek to resolve such conflict through positive, respected, and legal channels, including advocacy efforts involving public policy.</p>

Organization, code adoption date, Web address	Recognizes conflicts can occur?	Response to conflict between ethics and law	Closest provisions concerning ethics and law
National Association of Social Workers 2008 Code of Ethics	Yes	Member discretion	<u>Preamble</u> Instances may arise when social workers' ethical obligations conflict with agency policies or relevant laws or regulations. When such conflicts occur, social workers must make a responsible effort to resolve the conflict in a manner that is consistent with the values, principles, and standards expressed in this <i>Code</i> . If a reasonable resolution of the conflict does not appear possible, social workers should seek proper consultation before making a decision.
National Board for Certified Counselors 1998 Code of Ethics	No		
National Registry of Certified Group Psychotherapists 2002 Guidelines for Ethics	No		
Netherlands Institute of Psychologists 1998 Code of Ethics	Yes	Member discretion	<u>Introduction.</u> . . . In those guidelines and explanatory chapters more specific situations– bound to professional areas or not–can be dealt with and connections can be made to legal stipulations and other directives to which NIP-members can be bound to in their work situation. In this set up it is taken into account that there may be no frictions between

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			<p>the stipulation in the Code and the most applicable laws and other regulations.</p> <p><u>I.4 Exceptional circumstances</u> 1.4.4 Deviation of the code of ethics due to specific legal stipulations The psychologist whose field of expertise is governed by specific laws which compel him to act in manner contrary to any stipulation of the 'Professional Code of Ethics for Psychologists', strives to act as much as possible in accordance with all other stipulations of the Code and in its spirit.</p> <p>1.4.5 Legally required observance of the contract If the professional relationship is based on a contract with an external principal who is legally authorised to demand that the terms of the contract be met, the rights of the client remain intact, insofar they do not conflict with any legal stipulations governing the contract.</p>
New Zealand Psychological Society 2002 Code of Ethics	Yes	Law	4.1.5. Psychologists have a responsibility to speak out and/or act in a manner consistent with the four principles of this Code if they believe policies, practices or regulations of the social structures within which psychologists work, seriously ignore or oppose any of the principles of this Code. 4.2.3. Psychologists abide by the laws of the society in which they work.

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			4.2.4. Psychologists recognise that from time to time structures or policies of society may be inconsistent with the principles of respect for the dignity of peoples, responsible caring and integrity in relationships. Where these inconsistencies are identified, psychologists advocate for change in these structures and policies.
Polish Psychological Association Not available Code of Professional Ethics for the Psychologist	No		
Psychological Association of the Philippines Not available Professional Mission	No		
Psychological Society of Ireland 1999 Code of Professional Ethics	Yes	Member discretion	<u>3.6 Resolving Dilemmas</u> 3.6.3 Consult with colleagues and/or appropriate groups and committees if faced with a difficult situation or apparent conflict between compliance with the law and following an ethical principle. They seek consensus on the most ethical course of action and the most responsible, knowledgeable, effective, and respectful way to carry it out. In an emergency,

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			<p>where there is no time to consult, they make their own best professional judgment.</p> <p><u>Appendix A</u> The complexity of ethical issues makes it likely that different principles and subclauses will occasionally clash; in addition, the provisions of the Code may also be at odds with legal provisions and/or other relevant guidelines. Unfortunately, the resolution of ethical dilemmas is not guaranteed to be simple. However, professional bodies and the law accept that practitioners may make errors of judgment, and that such errors are distinct from malpractice. The formal decision-making procedure is intended to reduce the incidence of decisions which are mistakes because they are taken in the heat of the moment, without consideration of all the relevant factors. What is required, in all cases, is a considered professional judgment taken in a systematic way.</p>
Singapore Psychological Society 2005 Code of Professional Ethics	No		
Slovene Psychologists Not available	No		

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Code of Professional Ethics			
Turkish Psychological Association 2004 Ethics Code	Yes	Law	<u>11. Conflicts between ethics and law requirements</u> If psychologists' ethical responsibilities conflict with law, psychologists consult the Ethical Code to resolve the conflict. If the conflict cannot be resolved in such a way, psychologists adhere to the requirements of the law and other legal requirements.
Union of Estonian Psychologists Not available Ethical Principles	No		
World Medical Association International 2006 International Code of Medical Ethics	No		

Categories of Ethics Codes Based on How Each Addresses the Conflict
Between Ethics and Law

I. Ethics Codes That Require a Member to Follow the Law When There is an Irreconcilable Conflict Between Ethics and Law

1. American Association of Marriage and Family Therapists
2. Association of State and Provincial Psychology Boards
3. British Psychological Society

4. Clinical Social Work Federation
5. German Psychological Society
6. Iranian Organization of Psychology and Counseling
7. Israeli Psychological Association
8. National Association of School Psychologists
9. New Zealand Psychological Society
10. Turkish Psychological Association

II. Ethics Codes That Require a Member to Follow the Ethics Code When There is an Irreconcilable Conflict Between Ethics and Law

None identified

III. Ethics Codes That Allow Member Discretion in Determining What to Do When There Is an Irreconcilable Conflict Between Ethics and Law

1. American Association of Christian Counselors
2. American Counseling Association
3. American Medical Association
4. American Psychiatric Association
5. American Psychoanalytic Association
6. American Psychological Association
7. American School Counselor Association
8. Canadian Psychological Association
9. Commission on Rehabilitation Counselor Certification
10. European Federation of Psychologists' Associations
11. Feminist Therapy Institute
12. Hong Kong Psychological Society
13. International Federation of Social Workers
14. Latvian Association of Professional Psychologists
15. National Association of Social Workers
16. Netherlands Institute of Psychologists
17. Psychological Society of Ireland

IV. Ethics Codes That Do Not Have an Explicit Provision Addressing a Member's Obligations When There is an Irreconcilable Conflict Between Ethics and Law

1. American Academy Of Psychiatry and the Law
2. American Association of Pastoral Counselors
3. American Association of Sexuality Educators, Counselors and Therapists

4. American Dental Association
5. American Group Psychotherapy Association
6. American Mental Health Counselors Association
7. American Nursing Association
8. American Society of Clinical Hypnosis
9. Association of Professional Chaplains
10. Australian Psychological Society
11. Bulgarian Psychological Society
12. Chinese Psychological Society
13. Croatian Psychological Society
14. Czech-Moravian Psychological Society
15. International Association for Analytic Psychology
16. International Association of Applied Psychology
17. International Association of Marriage and Family Counselors
18. International Union of Psychological Science
19. Lithuanian Psychological Association
20. Malta Union of Professional Psychologists
21. National Board for Certified Counselors
22. National Registry of Certified Group Psychotherapists
23. Polish Psychological Association
24. Psychological Association of the Philippines
25. Singapore Psychological Society
26. Slovene Psychologists
27. Union of Estonian Psychologists
28. World Medical Association International