

Ethical Issues in Counseling Practice

AMERICAN COUNSELING ASSOCIATION

Code of Ethics

Section A

The Counseling Relationship

Section B

Confidentiality and Privacy

Section C

Professional Responsibility

Section D

Relationships With Other Professionals

Section E

Evaluation, Assessment, and Interpretation

Section F

Supervision, Training, and Teaching

Section G

Research and Publication

Section H

Distance Counseling, Technology, and Social Media

The American Psychological Association's (APA's) Ethical Principles of Psychologists and Ethics Code

- The principles represent ethical goals but do not explicitly inform or instruct adherence to the goals
- There are five general principles that serve as the ideals to which psychologists should aspire within the profession.


→ General principles:

- A. Beneficence & Non-Maleficence
- B. Fidelity & Responsibility
- C. Integrity
- D. Justice
- E. Respect for people's rights and dignity

**NOT
Enforceable
Rules**

Ethical Standards:

1. Resolving Ethical Issues,
2. Advertising and Public Statements,
3. Record keeping and fees,
4. Education and Training,
5. Research and Publication,
6. Assessment
7. Therapy
8. Competence
9. Privacy and Confidentiality
10. Human Relations



ENFORCEABLE rules
for conduct as
psychologist

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Section A:

The Counseling Relationship

- **Records and Documentation**
 - Counselors create, safeguard, and maintain documentation necessary for rendering professional services.
 - Voice or video recording ?
- **Types of Information Needed**
 - Counselors inform clients about issues such as, but not limited to, the following:
 - *the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services;*
 - *the counselor's qualifications, credentials, relevant experience, and approach to counseling;*
 - *continuation of services upon the incapacitation or death of the counselor;*
 - *the role of technology;*
 - *fees and billing;*
 - *confidentiality and limits of confidentiality*

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Section A:

The Counseling Relationship

- **Inability to Give Consent**

- When counseling minors, incapacitated adults, or other persons unable to give voluntary consent, counselors ***seek the assent*** of clients to services and include them in decision making as appropriate
- Parental or familial legal rights and responsibilities

- **Mandated Clients**

- Counselors ***discuss the required limitations to confidentiality*** when working with clients who have been mandated for counseling services.

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Section A:

The Counseling Relationship

- **Prohibited Noncounseling Roles and Relationships**
 - Sexual and/or Romantic Relationships Prohibited with current clients; their family members etc.
 - Previous Sexual and/or Romantic Relationships
 - Counselors are prohibited from engaging in counseling relationships with persons with whom they have had a previous sexual and/or romantic relationship
 - Sexual and/or Romantic Relationships With Former Clients
 - Sexual and/or romantic counselor– client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of **5 years following** the last professional contact. If they involve in such relationship after 5 years, they need to ensure that it is not exploitive in any way

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Section A:

The Counseling Relationship

- **Prohibited Noncounseling Roles and Relationships**
 - Counselors can not engage in professional relationship with friends or family members
- **Managing and Maintaining Boundaries and Professional Relationships**

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Section A:

The Counseling Relationship

- **Avoiding Harm and Imposing Values**
 - Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.
 - Counselors are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors

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Section A:

The Counseling Relationship

- Fees and Business Practices
 - Unacceptable Business Practices
 - Splitting, giving or receiving commissions when referring clients for professional services
- Bartering
- Receiving Gifts
- Termination and Referral

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Section A:

The Counseling Relationship

- Fees and Business Practices
 - **Self-Referral:** Counselors working in an organization (e.g., school, agency, institution) that provides counseling services do not refer clients to their private practice unless the policies of a particular organization make explicit provisions for self-referrals. In such instances, the clients must be informed of other options open to them should they seek private counseling services.
 - **Establishing Fees:** In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. If a counselor's usual fees create undue hardship for the client, the counselor may adjust fees, when legally permissible, or assist the client in locating comparable, affordable services.
 - **Unacceptable Business Practices**
 - Splitting, giving or receiving commissions when referring clients for professional services

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Section A:

The Counseling Relationship

- Bartering
 - Counselors may barter only if the bartering does not result in exploitation or harm, if the client requests it, and if such arrangements are an accepted practice among professionals in the community.
 - Counselors consider the cultural implications of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.

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Section A:

The Counseling Relationship

- Receiving Gifts
 - Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and gratitude. When determining whether to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, the client's motivation for giving the gift, and the counselor's motivation for wanting to accept or decline the gift.

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Section A:

The Counseling Relationship

- Termination and Referral
 - Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling.
 - Counselors may terminate counseling when in jeopardy of harm by the client or by another person with whom the client has a relationship, or when clients do not pay fees as agreed upon.
 - Counselors provide pretermination counseling and recommend other service providers when necessary

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Section B:

Confidentiality and Privacy

- Respect for Privacy & Confidentiality
- Permission to record
- Explanation of Limitations to confidentiality
 - **Disclosure is required to protect clients or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed.



- **Privacy and Confidentiality**

When does privileged communication doesn't apply?

→ **Duty to warn**; psychologists must disclose confidential information to protect the *client/patient, psychologist, or others* from harm under following conditions:

- When the client is ***suicidal***
- When an ***underage child or an elderly is being abused***
- When a client ***needs hospitalization.***
- When a counselor is ***performing a court ordered evaluation***
- When the client ***uses a mental disorder as a legal defense***
- When the ***client sues the counselor***

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Section B:

Confidentiality and Privacy

- Respect for Privacy & Confidentiality
 - Searching for your clients on internet (i.e., google, social media)??

According to American Psychological Association Ethics Code

- **Principle E: Respect for People's Rights and Dignity**
Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.

What does literature say about seeking our clients on the internet??

- ***When does beneficence (doing good) outweigh client autonomy?*** (APA, 2010; Beauchamp & Childress, 2009)
- From a principle-based approach, even assuming the benefit of searching for client information online without their consent, it would **not be sufficient to override client choice.**

What does literature says about seeking our clients on the internet??

- Barnett's (2009) and Kaslow et al.'s (2011) call for engaging in **explicit informed consent** to this practice.
- Even in the event of accidental contacts, at least some adverse consequences can be prevented ***by addressing the possibility for such contacts at the outset of treatment***. Ethics commentators have encouraged these discussions in regard to small world concerns (Koocher & Keith-Spiegel, 2008; Schank & Skovholt, 2005).
- Given the very personal and unanticipated nature of online activity and disclosures on the part of clients, conversations that anticipate and help manage intentional and accidental encounters are likely to support trust and increase the confidence clients have in the competence of the psychotherapist. Further, ***informing clients of possible intentional and accidental online contacts supports client autonomy (APA, 2010; Principle E)***.

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Section C:

Professional Responsibility

- Boundaries of *Competence*

Ethical Standards

(Enforceable rules)

- **Competence**

To provide competent treatment, therapists need to:

- only *provide services for which they are qualified*
- *keep up on current information* of the field, especially in specialty areas
 - Continuing Education
- *consult on ethical obligations*
- *seek counseling* when they have personal issues
- *accurately represent* their credentials and qualifications*

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Section C:

Professional Responsibility

- Advertising and Soliciting Clients

- **Advertising**

- Avoidance of ***False or Deceptive Statements***
- Psychologists ***do not solicit testimonials*** from current clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.
- Psychologists ***do not engage***, directly or through agents, ***in uninvited in-person solicitation of business from actual or potential therapy clients/patients***
- ...

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Section E:

Evaluation, Assessment, and Interpretation

- Competence to Use and Interpret Assessment Instruments

Complex ethical scenarios: What if?

- Mr Y. Started seeing a suicidal case last week. He only had one session with his case and realized that there were lots of missing information. Thus, before his second session, in order to gather some more information, he decided to make some search on google and social media about his client. Thus, he could help his client more...

- You are counseling a 40 years old man because of the recent problems he is going through about adapting to his new job. During the 5th session, he told you that the real reason he is seeking counseling is not his new job, but that he is HIV positive. He stated that he could not share this with anyone, including his partner.
- What would you do?