

SIXTH EDITION

ETHICAL, LEGAL, AND PROFESSIONAL ISSUES IN COUNSELING

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PREFACE

We are pleased that this text is now in its sixth edition and has been adopted for master's and doctoral courses in ethics in so many counseling graduate programs throughout the United States and abroad. We set out to write a text on ethics, law, and professional issues in counseling that would provide basic information for graduate students in these areas and would offer sound practical advice for counseling practitioners. Faculty members and students who have used this text in their teaching and learning have told us they find it to be comprehensive, rich with examples, and written in a style that makes complex material accessible.

We think you will find it useful to know something about us, the co-authors, and how we came to write this text. From 1997 to 2006, we were both professors in the counseling graduate program at the University of New Orleans. Ted Remley is an attorney with several years of legal experience and also has been a school and community college counselor. Barbara Herlihy has worked as a school counselor and a licensed professional counselor in private practice and community agency settings. She currently is a counselor educator with special interests in counselor ethics and social justice.

Before we became colleagues at the same institution, we worked together over many years, co-authoring articles and presenting numerous workshops on law and ethics in counseling. It was through these workshops that the idea for this text was born. The counselors who attended our workshops had much in common, although they practiced in a variety of settings with diverse clientele. They shared a deep and abiding commitment to the welfare of their clients, a desire to stay current with the ethical standards of their profession, and a need to feel competent in dealing with legal issues that arose in their work. At the same time, they sometimes felt overwhelmed by the complex and conflicting demands of situations they encountered. They frequently had difficulty distinguishing between legal and ethical issues. As we worked together in our presentations to these counselors, we found that we very rarely disagreed with each other, but we did bring differing perspectives. Barbara's ethics orientation led her to focus on client welfare and to emphasize protecting the client. Ted's legal orientation helped us to consider another dimension—that of protecting the counselor. We believe both perspectives are important.

Because both of us regularly teach graduate courses in professional orientation and ethics, we found ourselves discussing the need for a text written specifically for counselors that would address ethical, legal, and professional issues. Thus, out of our backgrounds and shared interests was conceived a text that is unique in that it approaches each professional issue in counseling from both an ethical perspective and a legal viewpoint. We believe you will find this integrated approach particularly helpful as you grapple with the complexities inherent in the work of the counselor.

We also believe that the best learning is active rather than passive, and personalized rather than abstract. We hope that you will actively discuss and even argue about the issues that are raised throughout the text and that you will work to develop your own personal stance on these issues. Typical situations and dilemmas that counseling practitioners encounter are presented in each chapter. We ask you to imagine that you are the counselor in each case study and to attend to what you would think, how you would feel, and what you might do in the situation. In these case studies, as in real life, there is rarely a single right answer to the counselor's dilemma, so we hope that the situations will spark lively discussion.

NEW TO THIS EDITION

- *Added case studies with discussion.* One or more case studies that explore ethical, legal, and professional issues in counseling have been added to each of the 16 chapters. At the conclusion of each case, we provide our best thinking as counselor educators who specialize in ethics and law in counseling.
- *Integrated discussion of multiculturalism, values, social justice, and advocacy.* We have revised Chapter 3 extensively to provide an integrated discussion of the interrelated issues of multicultural competence, counselor values, social justice, and advocacy.
- *Expanded coverage of the issues surrounding values-based referrals.* In Chapter 7, we have expanded on our discussion of competence-based versus values-based referrals of clients to other mental health professionals. We clarify that referrals can be due to skill-based competence, but that a claim of lack of competence cannot be used as a justification for engaging in discrimination.
- *Detailed the types of lawsuits that have been brought against counselors and types of complaints received by state licensing boards.* In Chapter 8, we have added a discussion of lawsuits brought against counselors after their clients committed suicide and have offered specific guidelines for avoiding lawsuits and licensure board complaints.
- *Included non-suicidal self-injury (NSSI).* In Chapter 8, we summarize the current literature on client self-injury and offer suggestions for providing clinical services to those clients.
- *Added recent information related to client sexting and telecounseling.* In Chapter 10, we address new developments in technology that continue to affect the practice of counseling.

ALSO AVAILABLE WITH MYLAB COUNSELING

This title is also available with MyLab Counseling, an online homework, tutorial, and assessment program designed to work with the text to engage students and improve results. Within its structured environment, students see key concepts demonstrated through video clips, practice what they learn, test their understanding, and receive feedback to guide their learning and ensure they master key learning outcomes.

- **Learning Outcomes and Standards measure student results.** MyLab Counseling organizes all assignments around essential learning outcomes and national standards for counselors.
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BRIEF CONTENTS

Section 1: Foundations

- Chapter 1 Introduction 1
- Chapter 2 Professional Identity of Counselors 26
- Chapter 3 Multiculturalism, Values, Social Justice, and Advocacy 59

Section 2: Issues

- Chapter 4 Client Rights and Counselor Responsibilities 79
 - Chapter 5 Confidentiality and Privileged Communication 101
 - Chapter 6 Records and Subpoenas 125
 - Chapter 7 Competence, Assessment, and Diagnosis 149
 - Chapter 8 Malpractice and Resolving Legal and Ethical Challenges 183
 - Chapter 9 Boundary Issues 214
 - Chapter 10 Technology in Counseling 244
 - Chapter 11 Counseling Children and Vulnerable Adults 264
 - Chapter 12 Counseling Families and Groups 289
 - Chapter 13 Professional Relationships, Private Practice, and Health Care Plans 312
 - Chapter 14 Issues in Counselor Education 340
 - Chapter 15 Supervision and Consultation 361
 - Chapter 16 Professional Writing, Conducting Research, and Publishing 383
-
- Appendix A* ACA Code of Ethics 402
 - Appendix B* Counseling Disclosure and Agreement Forms 437
 - Appendix C* Client Request Form to Transfer Records 445
 - Appendix D* Client Permission Form to Record Counseling Session for Supervision Purposes 446
 - Appendix E* Guidelines for Counseling Case Notes 447
 - Appendix F* Clinical Supervision Model Agreement 448
-
- References 450
 - Name Index 503
 - Subject Index 514

CONTENTS

Section 1: Foundations

Chapter 1 Introduction 1

Professional Orientation 1

Morals, Values, and Ethics 2

Legal, Ethical, and Professional Behavior 4

A Model for Professional Practice 6

Professional Ethics 8

Foundations of Ethics 8

Theories of Ethics 8

Linking Theory to Practice: Principles and Virtues 11

Codes of Ethics 12

Ethical Decision Making 15

Legal Issues 19

Origins of Law 20

Recognizing Legal Issues 20

Obtaining Legal Advice 21

Exercising Professional Judgment 22

Summary and Key Points 24

Chapter 2 Professional Identity of Counselors 26

Philosophy Underlying the Counseling Profession 27

The Wellness Model 28

A Developmental Perspective 30

Prevention and Early Intervention 30

Empowerment of Clients 31

Counseling Services 31

Counselor Preparation Programs 32

Credentialing 33

Degree 33

State License 34

State Agency Certification 35

National Voluntary Certification 35

Program Accreditation 36

Ethical Standards Related to Credentialing 37

Evolution of the Counseling Profession 39

Origins of the Profession 39

Counseling Psychology	39
School Counseling	40
Vocational Rehabilitation Counseling	40
Counseling as a New Profession	41
Steps in Becoming a Profession	41
Progress Toward Professionalization	42
Professional Associations of Counselors	42
American Counseling Association	43
ACA Divisions	44
ACA State Branches	44
Other Associations	46
Current Issues Related to Professional Identity	46
Specialties Versus One United Profession	47
Organizational Structure of ACA	47
CACREP Accreditation of Specialties	48
Varying State Licensure and Certification Requirements	48
Legal and Political Issues	49
Challenges to the Scope of Practice of Counselors	49
Job Classifications for Counselors	50
Third-Party Reimbursement	52
Identity and Professionalism	52
Counseling and Other Mental Health Professions	52
Pride in the Counseling Profession	55
Counseling Around the World	56
<i>Summary and Key Points</i>	57
Chapter 3 Multiculturalism, Values, Social Justice, and Advocacy	59
Multicultural Competence and Advocacy	60
Components of Multicultural Competence	61
Self-Awareness	61
Knowledge	62
Skills	63
Competence	64
Forms of Prejudice	64
Multiple Cultural Identities	69
Values and Value Conflicts	70
Counselors' Personal and Professional Values	70
Values and the ACA <i>Code of Ethics</i>	73
Clients Who May Be Victims of Illegal Discrimination	75
Gay and Lesbian Clients and Family Law Issues	76
Cultural Issues in Crisis Counseling	77
<i>Summary and Key Points</i>	78

Section 2: Issues**Chapter 4 Client Rights and Counselor Responsibilities 79****Counselor Responsibilities 79**

- Counselor Needs and Motivations 80
- Avoiding Dependent Relationships 81
- Involuntary or Mandated Clients 82
- Counseling Techniques 83
- Interruptions and Termination 85
- Avoiding Abandonment 87

Informed Consent 89

- Contract Law 89
- Informed Consent in Medicine 90
- Informed Consent in Mental Health 91
- Written Disclosure Statements 92
- Summary and Key Points* 99

Chapter 5 Confidentiality and Privileged Communication 101**Confidentiality 103**

- Origins of Confidentiality 103
- The Rationale for Confidentiality 104
- Counselor Practices and Confidentiality 105
- Ethical Standards and Confidentiality 106

Privileged Communication 107

- Origins of Privileged Communication 108
- The Rationale for Privileged Communication in Counseling Relationships 110
- Asserting the Privilege 112
- Responding to Subpoenas 113
- Suits for Disclosure 113
- Exceptions to Confidentiality and Privileged Communication 113
- Client Waiver of the Privilege 114
- Death of the Client 114
- Sharing Information With Subordinates or Fellow Professionals 114
- Protecting Someone Who Is in Danger 117
- Counseling Multiple Clients 118
- Counseling Minor or Legally Incompetent Clients 120
- Court-Ordered Disclosures 121
- Legal Protections for Counselors in Disputes 121
- Other Legal Exceptions 121

**Diversity Considerations in Confidentiality and Privileged
Communication 123**

Summary and Key Points 123

Chapter 6 Records and Subpoenas 125

Records 125

- Purposes of Records 126
- Ethical Standards Related to Records 128
- Legal Requirements 130
- Confidentiality and Privileged Communication
Requirements 130
- Types of Records Kept by Counselors 131
- Client Access to Records 136
- Federal Laws Affecting Counseling Records 138
- Health Insurance Portability and Accountability Act 138
- Family Educational Rights and Privacy Act 140
- Federally Funded Substance Abuse Programs 141
- Other Federal Statutes 142
- Handling, Storing, and Destroying Records 142
- Voluntarily Transferring Records 143

Subpoenas 144

- Discovery in Litigation 145
- Validity of Subpoenas 145
- Interrogatories 146
- Appearances at Proceedings 146
- Testimony Under Oath 147
- Turning Over Records 147

Summary and Key Points 148

Chapter 7 Competence, Assessment, and Diagnosis 149

Competence As an Ethical and Legal Concept 149

- Counselor Preparation 151
- Credentialing 152
- Licensure 153
- Certification 154
- Specialties 154
- Maintaining Competence 155
- Continuing Education 155
- Peer Review/Peer Consultation 157
- Technology 157
- Making Referrals 157
- Diversity Considerations 160

	Erosion of Competence: Burnout and Impairment	161
	Diversity Considerations in Burnout Prevention	165
	Assessment and Diagnosis	165
	Evaluation and Assessment	165
	Testing	169
	Test Security	171
	Release of Testing Records	171
	Providing Explanations to Clients	172
	Diversity Issues in Testing	173
	Diagnosis	174
	Informed Consent	176
	Consulting with Physicians	177
	Qualifications to Diagnose	177
	Diversity Considerations in Diagnosis	178
	Legal Issues in Diagnosis	180
	<i>Summary and Key Points</i>	181
Chapter 8	Malpractice and Resolving Legal and Ethical Challenges	183
	Malpractice	183
	Suicidal Clients	185
	Clients Who May Be at Risk for Harming Others	192
	A Hypothetical Malpractice Case	197
	Actual Malpractice Cases	198
	Resolving Legal and Ethical Challenges	199
	Legal and Ethical Decision Making	200
	Responding to Accusations of Unethical or Illegal Behavior	201
	Formal Complaints	202
	When You Suspect a Colleague Is Acting Unethically or Illegally	204
	Unethical Behavior	204
	Unwarranted Complaints	208
	Inappropriate Discrimination Against Those Who Have Been Accused	209
	Illegal Behavior of Others	209
	Cases Are Often Complex	209
	Guidelines for Avoiding Problems	211
	<i>Summary and Key Points</i>	212
Chapter 9	Boundary Issues	214
	The Complexities of Dual Relationships	215
	Ethical Standards for Professional and Nonprofessional Relationships	217

Risks and Benefits of Dual/Multiple Relationships 218

- The Potential for Harm 218
- Potential Benefits 220
- Unavoidable Dual Relationships 221
- Boundary Crossings Versus Boundary Violations 224
- The Legal Perspective on Boundary Crossings 226
- Specific Boundary Issues 226
- Ethical Decision Making 234

Sexual Dual Relationships 235

- The Offending Mental Health Professional 236
- Harm to Clients 237
- Legal Consequences for Offending Counselors 238
- Postcounseling Sexual Relationships 239
- Sexual Attraction to Clients 240
- Counseling Clients Who Have Been Abused by Previous Counselors 241

Summary and Key Points 241

Chapter 10 Technology in Counseling 244

Client Use of Technology 245

- Social Media 245
- Other Technology Used by Clients 247

Distance Counseling 247

Counselor Use of Technology 252

- Using the Internet to Educate Clients 252
- Communicating With Clients 252
- Telephone Use by Counselors 253
- Electronic Mail Communications 255
- Testing 256
- Technology in Teaching 257
- Technology in Clinical Supervision 257
- Social Media Use by Counselors 258
- Office Security Systems 259
- Electronic Record Keeping 259
- Client Behavior and Technology 260
- Diversity Considerations in the Use of Technology 261

Summary and Key Points 262

Chapter 11 Counseling Children and Vulnerable Adults 264

Counseling Minor Clients 265

- Legal Status and Rights of Minors 265
- The Rights of Parents 267

Responding to Parents Who Demand Confidential Counseling Information	268
Children at Risk for Harm to Self or Others	270
Release of Records	271
Confidentiality in School Counseling	272
Confidentiality in Working With Minors in Nonschool Settings	273
Confidentiality in Consultations	273
Reporting Suspected Child Abuse or Neglect	273
School Violence	277
Dual or Multiple Relationships	278
Diversity Considerations With Minors	280
Vulnerable Adults	281
Elder or Vulnerable Adult Maltreatment	281
Other Issues in Counseling Older Adults	284
Diversity Considerations in Counseling Older Adults	286
Clients Who Have Been Declared Legally Incompetent	287
<i>Summary and Key Points</i>	287

Chapter 12 Counseling Families and Groups 289

Family Counseling	289
Informed Consent	291
Client Welfare	292
Risky Techniques	293
Family Violence	294
Privacy, Confidentiality, and Privileged Communication	294
Family Secrets	296
Divorce and Child Custody	298
Counselor Competence	299
Counselor Values	300
Group Counseling	302
Informed Consent	302
Screening	303
Client Welfare and Protection From Harm	304
Privacy and Confidentiality	305
Confidentiality With Minors	305
Privileged Communication	306
Relationship Boundaries	306
Socializing Among Members	307
Freedom to Exit the Group	308
Counselor Competence	308

Diversity and Values Considerations in Group Counseling	309
<i>Summary and Key Points</i>	310

Chapter 13 Professional Relationships, Private Practice, and Health Care Plans 312

Professional Relationships 312

Employer/Employee Relationships	313
Confidential Information	319
Referrals	319
Respecting Other Professionals	320

Private Practice 322

Taxes and Business Licenses	323
Business Form	324
Fees for Services	325
Attorney and Accountant Services	326
Professional Liability Insurance	327
Making the Transition	327

Health Care Plans 328

State Insurance Laws	329
Managed Care	329
Types of Health Care Plans	330
Counselors As Service Providers	330
Federal Health Care Plans	332
Client Privacy	332
Diagnosis	332
Informed Consent	333
Receiving Payment for Services	333
Continuing Treatment and Denial of Services	334
Avoiding Fraud	335
Changing Nature of Health Care Plans	337
Diversity Considerations	337

Summary and Key Points 338

Chapter 14 Issues in Counselor Education 340

Counselor Education Programs 340

Informed Consent	340
Admissions	341
Curriculum Issues	343
Gatekeeping	349

Faculty and Student Issues 352

Faculty Competence	352
--------------------	-----

Diversity Considerations	352
Student–Faculty Research Collaboration	353
Relationships Between Counselor Educators and Students	353
Diversity Considerations in Faculty–Student Relationships	357
Relationships Among Students	357
Responsibilities of Students	358
<i>Summary and Key Points</i>	359

Chapter 15 Supervision and Consultation 361

Supervision 362

Fair Evaluation	362
Informed Consent	363
Supervision Agreements	364
Supervisor Competence	365
Confidentiality Concerns	366
Supervisory Relationships	367
Accountability and Responsibility	370
Vicarious Liability	371
Supervisor and Supervisee Rights and Responsibilities	372
Technology Issues in Supervision	373
Diversity Considerations in Supervision	374

Consultation 375

Accountability	375
Power	376
Consultation Contracts	376
Consultant Competence	377
Safeguarding Consultee and Client Rights	378
The Consultation Relationship	379
The Role of Values and Diversity in Consultation	380
<i>Summary and Key Points</i>	381

Chapter 16 Professional Writing, Conducting Research, and Publishing 383

Professional Writing 384

Academic Integrity	384
--------------------	-----

Conducting Research 387

Research Roles	387
Research Design	388
Protecting Research Participants From Harm	389
Institutional Review Boards	392

	Reporting Results	393
	Commitments to Participants	393
	Honest and Accurate Reporting of Results	394
	Cooperating with Other Researchers	395
	Publications	395
	Giving Credit to Contributors	395
	Submitting Work for Publication Consideration	397
	Copyright Laws	398
	Contracts	399
	Reporting Income	400
	<i>Summary and Key Points</i>	400
<i>Appendix A</i>	<i>ACA Code of Ethics</i>	402
<i>Appendix B</i>	<i>Counseling Disclosure and Agreement Forms</i>	437
<i>Appendix C</i>	<i>Client Request Form to Transfer Records</i>	445
<i>Appendix D</i>	<i>Client Permission Form to Record Counseling Session for Supervision Purposes</i>	446
<i>Appendix E</i>	<i>Guidelines for Counseling Case Notes</i>	447
<i>Appendix F</i>	<i>Clinical Supervision Model Agreement</i>	448
<i>References</i>		450
<i>Name Index</i>		503
<i>Subject Index</i>		514