

Counselor Ethics and Responsibilities

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Introduction

Emerging counselors may find themselves overwhelmed by the range of regulations and laws surrounding the field of counseling. Between the ACA, ASCA, NBCC, State Law, Federal Law, and HIPAA, the countless rules can begin to feel daunting. Fortunately, navigating those policies becomes infinitely more manageable once one is able to understand the reason behind these regulations. As stated at the beginning of the ACA Code of Ethics, “Counselors facilitate client growth and development in ways that foster the interest and welfare of clients and promote formation of healthy relationships” (2014). Once a counselor fully accepts their responsibility to promote the welfare of their clients, the regulations become clearer and more purposeful than ever. Client rights, “Duty to Protect,” confidentiality, record keeping, and value awareness help to protect the client from undue harm. While self-care, “Duty to Warn,” and advocacy work aim to protect the counselor as well as the counseling community.

Client Rights

Counselors are ethically and legally expected to maintain their client’s right to autonomy, nonmalficence, beneficence, justice, and fidelity. The ACA code of ethics considers these 5 principles, along with veracity to be the “foundation for ethical behavior and decision making” (2014). As such, a Counselor may only be considered ethical so long as he or she integrates these principles into their practice.

Autonomy refers to the client’s ability to make his or her own decisions. A counselor who encourages autonomy will keep their clients informed and promote independence throughout their work together. “Practitioners strive to decrease client dependency and foster client empowerment” (Corey et al. 2014). Informed consent forms help to maintain a level of

transparency and allow for the client to make informed decisions regarding their own treatment process, promoting a strong sense of autonomy.

Arguably, the most defining characteristic of a counselor is their desire to do no harm to their clients, aka nonmaleficence. Sections A.4.a, A5.c, A.6.e, A.11.c, are just a few of the ethical codes that mention “avoiding harm” when working with clients (ACA 2014).

“Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm” (ACA 2014). Every decision made by the counselor relies on this principle.

Beneficence, justice, and fidelity are similarly integrated into the ACA code of ethics. Beneficence, or the overall desire to do good for clients and society, is included in every part of a counselor’s practice. Whether a counselor is encouraging specific behaviors, considering publishing an article, or just offering advice, he or she will do so while “working for the good of the individual and society by promoting mental health and well-being” (ACA 2014). Justice refers to the equal and fair treatment of each individual. With a diverse, multicultural population, it is crucial for “Counselors [to] respect the diversity of clients” (ACA 2014). Lastly, a counselor who practices with fidelity is known for “honoring commitments and keeping promises” to their clients as well as other professionals (ACA 2014). By remaining devoted to their clients, faithful counselors can establish a genuine rapport and establish trust. The integration of autonomy, nonmaleficence, beneficence, justice, and fidelity protect the client and defines the counselor.

Clients are further protected by the process of informed consent. Upon initial intake with a client, the counselor thoroughly and clearly outlines the expectations, legal, rights, experience and qualifications, and any other key information the client may need to make a thoughtful, independent informed decision. Through this process, clients are given the autonomy

to take control of their therapy. To protect the right to informed consent, the ACA code of ethics requires all counselors “to review in writing and verbally with clients the rights and responsibilities of both counselors and clients” (ACA 2014). This process not only protects the clients and counselor from malpractice, it encourages clients to take an active role in their therapeutic process. Consequently, “informed consent for treatment is a powerful clinical, legal, and ethical tool” (Corey et al 2014). To be affective, informed consent requires beneficence and nonmaleficence from the counselor while promoting client autonomy. As such, every therapist must prioritize informed consent with each client.

Responsibility to Warn and Protect

The duty to protect and the duty to warn supersede all other laws and ethical guidelines when a client is in danger of harming themselves or someone else. Confidentiality is especially susceptible to changes when a counselor needs to protect or warn others; “the general requirement that counselors keep information confidential does not apply when disclosure is required to protect clients or identified others from serious and foreseeable harm” (ACA 2014). After an avoidable, tragic death, the professional therapeutic community instituted the Tarasoff rule which emphasizes the “duty of mental health professionals to warn third parties known to be the subjects of threats of injury or death by patients” (Weiss 2020). The case of *Tarasoff v. Regents of the University of California*, sparked a decision by the California Supreme Court to require therapists to warn third party individuals of any serious potential risk from a client. Even at the state level, laws affecting duty were a direct result of a Supreme Court ruling. In 1989, *Hamman v. County of Maricopa* similarly matched those of the Tarasoff case. In Arizona, they rules that psychiatrists do not necessarily have a “duty to protect the public from all harm caused by their patients” but that they must aim to protect “third parties only in those instances in which

a specific threat is made against them” (1989). Given these regulations, a counselor must thoroughly consider the risk that the client has towards themselves or towards another person. Arizona law specifically holds counselors accountable for avoidable harm that the client inflicts on himself or on a pre-named third party. An ethical and legal therapist will see the importance of the duty to protect and warn.

Client Record-Keeping

Keeping adequate records of clients is a responsibility that must not be taken lightly. Counselors, as well as other mental health professionals, are obligated by state laws as well as ethical standards to “retain the original or copies of a patient's medical records ... for at least six years after the last date the adult patient received medical or health care services from that provider” (A.R.S. §12-2297). On a Federal level, the Health Insurance Portability and Accountability Act (HIPAA) further defines records through therapy as “notes recorded (in any medium) by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session” (HIPAA 45 CFR § 164.501). By maintaining these records, counselors can be held accountable for their professional practice. Competency suites, inquiries regarding treatment, and overall data can be closely observed by the client and analyzed by the board when necessary. This simple act protects the clients from unethical practice and protects counselors from liability.

Self-Care

Far too often, counselors are subject to sleep deprivation, stress, and burnout. A study conducted by Warren et al. found that “respondents who had been in practice for less than 10 years more often requested training in self-care, boundaries, and confidentiality” (2014). These

finding strongly suggest that “wellness is related to boundary problems” (Warren et al. 2014). To avoid the overwhelming sense of stress and lack of wellbeing, counselors must implement a level of self-care. Even the ACA Code of Ethics requires counselors to “engage in self-care activities to maintain and promote their own emotional, physical, mental, and spiritual wellbeing to best meet their professional responsibilities” (ACA 2014). This is, in part, because counselors provide a service that is intimate and emotional in its nature. Without proper care, a therapist is unable to uphold the level of standard established by the professional counseling community. “Counselors have an ethical and professional responsibility to engage in self-monitoring behaviors that increase awareness and incorporate effective self-care strategies” (Warren et al 2012).

Personally, I have witnessed the impact that self-care in my personal life has on my professional one. Owning my own business and working with kids with learning differences requires careful separation between my work and my home. When those lines became too blurred or I had allowed for work to slowly absorb all of my free time; I became stressed and my ability to help my clients rapidly declined. I could see the “red flags” of burnout in which I was no longer motivated and dreaded leaving the house. Self-care techniques such as setting aside time to attend fitness classes or arranging time to spend with my significant other helped to define my personal life outside of work. In the future, I hope to attend counseling services to help sustain my current level of self-care. In order to maintain competency and regulate self-care, counselors should be open to seeking counseling services. Arizona offers countless services to adults including private practitioners as well as local centers including Peaceful Mind Counseling Services in Scottsdale, AZ. With counseling services, self-care practices, and self-awareness, counselors can avoid burnout or unnecessary stress.

Advocacy

The counseling profession is one of compassion and care. Advocacy is just a small reflection of the genuine benevolence attributed to many counselors. “Advocacy emerges from the desire to reduce suffering” (Warren et al. 2011). I find myself driven to help alter the stigma and raise awareness regarding students (elementary to high school) struggling with learning differences including ADHD, Dyslexia, Language Processing Disorders, etc. The ACA encourages it’s members to take action by messaging officials who do not currently sponsor the Elementary and Secondary School Counseling Act, asking for their support. With the passing of this act, students will have access to more counselors within their school.

Counselor Values

Regardless of personal values, counselors must respect their client’s beliefs, cultures, and diversity. The ACA Code of Ethics states that “counselors are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors” while upholding “respect of the diversity of clients” (ACA 2014). With this ethical code in mind, I would continue to provide unbiased care and guidance to my clients, even if it directly opposed my value system. For example, I am personally horrified by the thought of having an open marriage; however, I would happily and sympathetically counsel a couple who each partake in extramarital affairs. As a counselor, my promise to my client is that I will aim to help and support them. By judging their values or imposing my own, I am unethically discriminating against them. Additionally, I feel strongly in favor of adoption over the use of a surrogate. If I were treating a gay couple who desired to become co-parents, I would find it difficult to offer unbiased advice. To best serve them as clients, I will need to further my research and understanding of the desire for using a surrogate. I would take every opportunity to demonstrate compassion for their choices and desire. Only through a sympathetic lens will I be able to provide appropriate, ethical counsel to this couple.

Conclusion

Ethical practice in the field of counseling is not easily defined in black and white terms. Ethics and laws can collide or supersede each other depending on the circumstance. Even with clear guidelines, counselors may find themselves at a loss when faced with an ethical dilemma. In these instances, they should reflect on the key principles that define the counseling profession: autonomy, nonmalficence, beneficence, justice, and fidelity. If the counselor's ultimate decision is grounded in ethical values, fair treatment, genuine concern for the client's well-being, and takes legal requirements into consideration, then the decision is likely ethical. As stated throughout the ACA Code of Ethics and throughout the counseling community, the singular aim of counseling practice is to help and protect our clients. All laws and guidelines are founded on this principle. Research, counsel from a peer or advisor, legal advice, and, of course, genuine compassion are all necessary for implementing an ethical and responsible practice.

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