



Rollins College
 Graduate Studies in Counseling
 CPY 545
 Legal, Professional, and Ethical Issues in Counseling

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CPY 545 Ethical, Legal & Professional Issues in Counseling
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Legal & Ethical Issues...what comes to mind?

When you think about legal and ethical issues in the practice of counseling – what are your uncensored thoughts?

Please introduce yourself and share your uncensored thoughts

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Syllabus

COURSE OBJECTIVES

- To gain an understanding of the foundational principles of ethical thinking and decision making across all aspects of life.
- To understand the powerful impact of ones own lived value system on the practice of counseling
- To become familiar with the applicable state laws and ethical codes and standards of practice from various relevant professional organizations (e.g. American Counseling Association, American Association for Marriage and Family Therapy, and American Mental Health Counselors Association, and American Psychological Association)
- To apply legal and ethical guidelines to a variety of specific issues or scenarios
- To formulate a system or model of ethical decision-making, which incorporates an appreciation for individual values and respect for client integrity and well-being

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Assigned Reading

Articles available online:

<http://burtbertram.com/teaching/teaching.html>

Read the article in the following order

- Shanks, T., "Everyday Ethics,"
- Ethics Resource Center, "The PLUS Decision Making Model"
- Markkula Center for Applied Ethics "A Framework for Thinking Ethically"
- Csongradi, C., "Bioethics, A newlook at on old debate"
- Kidder, R., "How Good People Make Tough Choices"

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Assigned Reading

Florida Statutes – Online

<http://www.doh.state.fl.us/mqa/491/>

(Board of Clinical Social Work, Marriage & Family Therapy & Mental Health Counseling)

- **Current Laws and Rules** - (pdf - 450kb)
- The following Statutes are relevant to CSW/MFT/MHC
 - Chapter 39** (pdf - 1mb): Proceedings Relating to Children
 - Chapter 90** (pdf - 338kb): Evidence Code
 - Chapter 120** (pdf - 483kb): Administrative Procedure Act
 - Chapter 394** (pdf - 802kb): Mental Health
 - Chapter 397** (pdf - 445kb): Substance Abuse Services
 - Chapter 415** (pdf - 273kb): Adult Protective Services
 - Chapter 456** (pdf - 639kb): Health Professions and Occupations: General Provisions

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Codes of Ethics and/or Standards of Practice

- American Counseling Association www.counseling.org
Code of Ethics: Revised 2005
- American School Counselors Association www.schoolcounselor.org
Ethical Standards for School Counselors: Revised June 2004
- American Mental Health Counselors Association www.amhca.org
Code of Ethics: Revised October 2000
- American Association for Marriage & Family Therapy www.aamft.org
Code of Ethics: Revised July 1, 2001
- American Association for Pastoral Counselors www.aapc.org
Code of Ethics: Revised April 28, 1994
- National Board of Certified Counselors www.nbcc.org
NBCC Ethical Code: Revised February 4, 2005
The Practice of Internet Counseling: Adapted November 3, 2001
- American Psychological Association www.apa.org/ethics/
Ethics Code: Revised June 1, 2003
- National Association of Social Workers www.socialworkers.org/pubs/code/code.asp
Code of Ethics: Revised 1999

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Course Requirements

Class Participation Including small group participation	15 Points	
Code of Ethics Analysis of Similarities & Differences	15 Points	Due June 3
Case Analysis Presentation Small Group Discussion (Before / During) Quick Test of Your Ethical Beliefs Ethical Genogram Questionnaire Class Presentation & Discussion Written Summary	30 Points	Due: July 8
Personal Values/Morals Paper	5 Points	Due: July 8
Final Exam	35 Points	July 22

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Personal Values, Morals, & Ethics

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Personal Values, Morals, & Ethics

Ethics refers to principles that define behavior as right, good and proper. Such principles do not always dictate a single "moral" course of action, but provide a means of evaluating and deciding among competing options.
(Making Ethical Decisions, 2002, Josephson, M)

Ethics is about putting principles into action.

- Not doing what you have the power to do.
An act isn't proper simply because it is permissible or you can get away with it
- Not doing what you have the right to do.
There is a big difference between what you have the right to do and what is right to do.
- Not doing what you want to do.
An ethical person often chooses to do more than the law requires and less than the law allows
(Making Ethical Decisions, 2002, Josephson, M)

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Personal Values, Morals, & Ethics

The practice of "virtue ethics"

- Did I do more good than harm today?
- Did I treat people with dignity and respect today?
- Was I fair and just today?
- Was my community better today because I was in it?
- Was I better because I was in my community today?

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Personal Values, Morals, & Ethics

Ethics... "adherence to the unenforceable"

Questions to ask yourself:

- *How am I doing at the art of being a human being?*
- *Is that the way I should treat someone else?*
- *Is what I'm doing or proposing to do right or wrong?*
- *According to what standard are my actions right or wrong?*

Ethical Dilemmas

- The difficulty is not choosing between right and wrong
- The real struggle comes when forced to choose between right and right

*How Good People Make Tough Choices, (1995)
Rushworth Kidder, Institute for Global Ethics*

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Professional Ethics

Code of Ethics – one of the essential criteria of a profession

Mandatory Ethics – list of Dos & Don'ts - counselors act in compliance with minimal standards, acknowledging the basic "musts" and "must nots" – the focus is on behavioral rules

Aspirational Ethics – the highest standards of thinking and conduct professional counselor seek – requires doing more than simply meeting the letter of the ethics code – entails understanding and capturing the spirit behind the code and the principles on which the code rests

Professional Associations Ethical Codes: Living & evolving...
AAMFT (2001), ACA (2005), AMHCA (2000), APA (2002), NASW (1999), NBCC (2004)

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Professional Ethics

Foundational Principles of Professional Ethics

Autonomy: promotion of self-determination
 freedom of clients to choose their own direction

Nonmaleficence: avoiding doing harm
 refraining from actions that risk hurting clients

Beneficence: promoting good for others
 growth/development of clients within their cultural context

Justice: providing equal treatment to all people

Fidelity: fulfilling promises and honoring commitments to clients

Veracity: truthfulness

(Corey, Corey, and Callahan, 2007)

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Professional Ethics and the Law

Professional Ethics

- Professional ethics are enforceable through the professional association
- Even if you are not a member of a professional association you will be held to the Code of Ethics of the association that represents your professional identity.

Law/Statutes

- 49 states plus the District of Columbia and Puerto Rico have licensed the practice of professional counselors

Note: In some states professional codes of ethics are incorporated into the licensing law giving the ethical code the force of law

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Professional Ethics and the Law

Professional Association Ethics Complaint

- ACA: 2-3 per year
- AAMFT: 6-8 per year (unclear how many are substantiated)
- AMHCA: Refers complaints to state licensing boards

Licensure Board Complaints

- Licensure Board complaints are far more likely than law suits

Malpractice Lawsuits

- Rare (1-2 lawsuits per 1000 insured counselors)

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Ethical Decision Making

1. Identify the problem or dilemma
2. Identify the potential issues involved
3. Review the relevant ethics codes
4. Know the applicable laws, regulations, & policies
5. Obtain consultation or supervision
6. Consider the possible and probable courses of action
7. Enumerate the consequences of various decisions
8. Decide on what appears to be the best course of action

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