

Chapter 1 Introduction

FOCUS QUESTIONS

1. **Assuming that you are a moral and responsible person (as are most counselors), why do you think it is important for you to study ethical and legal principles and the decision-making process?**

Points instructors may want to make:

- The counseling profession has a written code of ethics. The code's guidelines for practice must be read and understood. Simply acting as you think is right and moral may not lead to your being compliance with the American Counseling Association Code of Ethics (or other counseling codes, as well).
- Although counselors often have good intentions, if they violate an ethical principle or a law, they can get into serious trouble.
- It is important to understand that there are few *right* answers when making ethical decisions. Furthermore, consultation with other mental health professionals is very important.
- It is vital that counselors understand that when they are facing a legal issue, they should request and obtain legal advice.

2. **What are the differences among legal standards, ethical standards, and best practice?**

Points instructors may want to make:

- Legal standards are the minimum behavior society will tolerate from a professional. Legal standards are created by society to protect citizens from bad professionals.
- Ethical standards are the minimum behavior other counselors will tolerate from counselors. Ethical standards are created by counselors themselves to ensure that counselors practice in a way that helps clients and does not hurt them.
- Best practice represents the ideal for counselor practice. It may be difficult to get a group of counselors to agree upon what best practice would be, but all counselors want to strive for best practice, not just meeting minimum ethical or legal standards of practice.

3. **What resources can you use when you need help in resolving an ethical dilemma?**

Points instructors may want to make:

- The best approach counselors can use to resolve ethical dilemmas is to consult with colleagues. If a counselor's supervisor is a mental health professional, that person certainly should be consulted. Other possible consultants include counselors who perform similar duties as the counselor, counselors in other settings that are similar, experts in the counseling field, and perhaps former professors.
- Relevant sections of the ACA Code of Ethics and other relevant codes of ethics should be read.

- Journal articles and textbook chapters that deal with the issue should also be read.

4. How should you get legal advice when a legal issue presents itself?

Points instructors may want to make:

- Generally, counselors should ask their immediate supervisor to obtain legal advice for them. The supervisor then obtains the advice and reports it to the counselor.
- The ACA professional liability insurance company provides a legal *hot line* that insured counselors can call and talk to an attorney free of charge.
- Counselors employed in an agency do not need to pay for legal advice themselves. The only exception would be if the agency is planning to take adverse action against the counselor because of the legal problem. Under those circumstances, a counselor should hire his or her own lawyer.

IN-CLASS ACTIVITY

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| Title: | In-Vivo Ethical Decision-Making Process |
| Learning Goal: | To apply ethical decision-making models to possible scenarios that may arise in a practicum or internship site. |
| Procedures: | Assign students to groups (preferably 3-4 students in each). Present various ethical and legal scenarios from the text. Have the students discuss the scenarios in the context of an agency or school staffing. Ask one student to act as the agency or school counselor coordinator. Have the individual groups role play the dilemma for 15 minutes and then ask a representative from each group, one at a time, to discuss the process by which the particular decision or decisions were made. Allow the groups to interact with audience members. |

Point/Counterpoint (Debate) Topics

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| Title: | Approaches to Ethical Decision Making |
| Learning Goal: | To consider the strengths and limitations of the primary approaches to ethical decision making. |
| Procedures: | Assign (or allow students to volunteer) 2 groups of students (preferably 3-5 students per group) to each take one of the positions described below and prepare a 5-minute argument in favor of that position. Have each group present its argument. Next, allow the groups to confer for 2 minutes and then have each group present its rebuttal to the other group's argument. Lastly, have the class members who served as the audience vote for which side was most persuasive. |

Point: *The best approach for counselors to use in making ethical decisions is principle ethics.*

vs.

Counterpoint: *The best approach for counselors to use in making ethical decisions is virtue ethics.*

Title: Multiple Codes of Ethics or a Unified Code?
Learning Goal: To consider the pros and cons of having a single, unified code of ethics for counselors versus having multiple, specialty codes.

Point: *The counseling profession should have one unified code of ethics for counselors in all settings.*

vs.

Counterpoint: *There should be different codes of ethics for each main specialty area within counseling (e.g., schools, community agencies, private practice, colleges).*

OUTSIDE CLASS ACTIVITY

Title: Ethical and Legal Standards in the Workplace
Learning Goal: To apply ideas from the course to the workplace.
Procedures: Ask students to summarize policies at their practicum or internship sites, or their work sites—if they are working at counseling-related sites—concerning the handling of legal and ethical issues in the workplace. Students may also request an interview with the agency attorney or administrators, if possible.

Self-Reflection/Journaling

Journal Entry: Reflect on and discuss your motivations for choosing counseling as your profession, as opposed to another mental health profession such as psychology or social work?

Using the Internet as a Learning Tool

Assignment: Search the Internet and find an ethical decision-making model that is not discussed in the text. In what ways is this model similar to and different from the ethical decision-making process described in the text? Briefly explain which particular model you believe would be most useful to you, personally, given your current site or anticipated future setting.

CASE STUDY

At your agency you notice that information concerning clients is not being filed properly and, at times, is being left in open view in rooms where counseling sessions occur. You speak to your supervisor who thanks you and reports that the problem will be handled. After two weeks, you notice the same instances occurring. What do you do?

Case Study Discussion

1. Why is this issue a problem, or is it a problem?
2. You probably would want to bring the issue up to the supervisor at least one more time. If the problem continues, speaking to the supervisor's supervisor may be warranted. What issues are involved in going over the supervisor's head?
3. If this issue is not addressed, what possible legal ramifications or ethical complaints could the agency face?

SHORT PAPER OR ORAL CLASS PRESENTATION TOPICS

1. Take an ethical decision-making model and apply it to a specific scenario (If possible, use an example from a practicum or internship site.).
2. Look at the scenario from both a legal and an ethical perspective. Does considering the situation from both points of view make it easier or harder to come to a decision?
3. Have students present on current literature related to contemporary legal and ethical issues in which counselors may become involved. Examples might include: internet counseling, dealing with managed care companies, navigating dual relationships in small communities, determining whether or not to counsel client with a presenting issue outside of your scope of training or experience, responding to subpoenas as an independent private practitioner.

Chapter 2

Professional Identity of Counselors

FOCUS QUESTIONS

1. How do you respond when your friends and relatives ask you what you are studying in graduate school?

Points instructors may want to make:

- Defining counseling as a profession that is similar to another profession, such as psychology or social work, is not helpful in educating the public about the profession of counseling...or in helping counselors establish our unique professional identity.
- It would be best to explain that you are earning a master's degree in counseling, which is a professional degree that allows graduates to provide professional counseling and mental health services to the public.
- It would also be appropriate to explain the wellness orientation of counselors, which is described below under question 2.

2. How do you think the wellness model of mental health espoused by counselors is different from the illness model or medical model of mental health?

Points instructors may want to make:

- In the illness or medical model of mental health, the first thing a mental health professional does is diagnose a client's mental or emotional disorder. Once the disorder has been treated successfully, the client is discharged until another disorder appears. Then the client returns to the professional again for treatment.
- The wellness model of mental health is founded on the following beliefs:
 - The best perspective for assisting individuals in resolving their emotional and personal issues and problems is the wellness model of mental health.
 - Most of the issues and problems individuals face in life are developmental in nature and, thus, understanding the dynamics of human growth and development is essential to success as a helping professional.
 - Prevention and early intervention are far superior to remediation in dealing with personal and emotional problems.
 - The goal of counseling is to empower individuals to resolve their own problems, independently of mental health professionals, and to teach them to identify and resolve problems autonomously in the future.

3. What are some of the major challenges facing the counseling profession today?

Points instructors may want to make:

- Fragmenting into separate groups along the lines of specialties, instead of working toward public recognition as one unified profession of counseling.

- Working toward standardization of licensure requirements and school counselor certification requirements across the 50 states, the District of Columbia, and possessions of the United States.
- Ensuring that other mental health professional groups do not interfere with counselors diagnosing and treating mental and emotional disorders or limit the testing practices of counselors.
- Establishing job classifications in state governments and at the federal level for counselors.

IN-CLASS ACTIVITY

Title: Counselor Professional Identity in the 21st Century

Learning

Goal: To understand contemporary issues facing the profession.

Procedures: Convene a class forum concerning the current state of the profession of counseling and challenges to the profession in the 21st century. Have students discuss measures they personally can take to promote and advance the counseling profession. Also have students discuss what they would like to see happen in the profession in the short term (10 years) and the long term (25-50 years).

Discussion

Questions: What role can students play in the standardization and professionalization of counseling?
What do you believe to be the major obstacles facing the counseling profession in the 21st century? Discussion topics may include problems with managed care, supervision provided by professionals other than counselors (e.g., social workers, psychologists), and non-uniformity of state laws concerning licensure and supervision requirements, or other problems.

Point/Counterpoint (Debate) Topics

Title: Is counseling a profession?

Learning

Goal: To consider the criteria for being considered a profession and to compare the status of counseling to those criteria.

Procedures: Assign (or allow students to volunteer) 2 groups of students (preferably 3-5 students per group) to each take one of the positions described below and prepare a 5-minute argument in favor of that position. Have each group present its argument. Next, allow the groups to confer for 2 minutes and then have each group present its rebuttal to the other group's argument. Lastly, have the class members who served as the audience vote for which side was most persuasive.

Point: *Counseling should be considered to be a bona fide profession.*

vs.

Counterpoint: *Counseling should still be considered to be a semi-profession.*

Title: Is counseling truly a unique mental health profession that should have its own licensure?

Learning

Goal: To consider the differences and similarities between counseling and other, related mental health professions.

Point: The counseling profession is unique and distinctly different from other mental health professions; therefore, counselors should have their own specific licensure process.

vs.

Counterpoint: There are more similarities than differences between counseling and other mental health professions and it would be more efficient and less confusing for consumers if there were just one state license as a “mental health professional.”

OUTSIDE CLASS ACTIVITY

Title: Becoming a licensed professional counselor, becoming a national certified counselor, obtaining liability insurance, and joining ACA.

Learning

Goal: To begin taking the steps necessary to develop the identity of counselor.

Procedures: Ask students to visit the web site of their state licensure board to determine the procedures necessary to become licensed or certified as a counselor in the state. Have students present a plan to acquire the credential (how much supervised experience, who can supervise, what type of setting allows for hours toward licensure, how to register and study for the licensure test, deadline schedule for submission and board review of licensure application: rolling, monthly, quarterly, etc.). Have students visit the web site of the National Board for Certified Counselors (www.nbcc.org) to learn about the National Certified Counselor credential. Have students present a plan concerning the steps they must take to acquire the credential. Have students visit the ACA web site (www.counseling.org) and summarize the steps needed to become a member. Also have students obtain information regarding the purchase of ACA professional liability insurance (www.counseling.org/membership/membership-savings/liability-insurance), both in their status as practicum or internship students, and as working professional counselors after they complete their degrees.

Question for Self-Reflection/Journaling

Question: What is my responsibility to advocate for my profession, and what are some actions I will take, both now and when I am a counseling practitioner, to fulfill that responsibility?

CASE STUDY