Upholding the ACA Code of Ethics: Lessons Learned from Tennessee

Dr. Lynn Linde, ACA
Dr. Barbara Herlihy, Co-Chair ACA Ethics Committee
Dr. Shawn Spurgeon, former Co-Chair ACA Ethics Committee
Session Overview

- Review what happened in Tennessee and how the ACA *Code of Ethics* was involved
- Discuss other threats to the ACA *Code of Ethics*, and
- Discuss how we continue to practice ethically
What happened in Tennessee?

- The TN licensure board uses the ACA *Code of Ethics*

- HB 1840/SB 1566 was signed into law

- Allows LCPs to refuse to work with a potential or current client based on the counselor’s “strongly held beliefs”
What happened, continued

• The law violates several sections of the ACA *Code of Ethics*, specifically the non-discrimination section (C.5), and A.11.b, which prohibits counselors from referring or terminating solely based on the counselor’s personally held values, attitudes, beliefs, or values.

• The law further protects counselors in TN who chose to discriminate from being sanctioned by the TN State licensing Board.

• ACA members practicing in TN can be referred to the ACA Ethics Committee for an ethical violation.
Myths vs. Facts

• [https://www.counseling.org/my-voice/myths-vs-facts](https://www.counseling.org/my-voice/myths-vs-facts)
Arkansas - clarification

- 7/12/16 Arkansas passed changes that require a counselor to do one’s due diligence

- Referrals shall only occur as a result of conscience if the counselor or MFT is unable to effectively serve the client.

- Head of the licensure board said it was required to protect the rights of patients and practitioners
Values-based referrals: background and points to ponder

Barbara Herlihy Ph.D., LPC, NCC
University Research Professor
Counselor Education Graduate Program
University of New Orleans
Values-based referrals

• Background and history
• Some conservative Christian counselors have argued that it is appropriate to refer a client due to conflict with a counselor’s personal values related to same-sex relationships.

• Strategies: (1) lawsuits in the court system (2) legislative initiatives
Four court cases

Two cases involving practitioners:
  Bruff v. North Mississippi Health Services (2001)
  Walden v. Centers for Disease Control (2010)

Two cases involving students:
Legislation:

- TN
- AR
What can you do to support ACA and the current *Code of Ethics (2014)*?

- Advocate
- Educate
- Self-monitor
Recommended Reading:


• Special section, *Journal of Counseling & Development*, April 2014:

• Dugger, S.M., & Francis, P.C. (2014). Surviving a lawsuit against a counseling program. [pp. 135-141]

• Kaplan, D.M. (2014). Ethical implications of a critical legal case for the counseling profession. [pp. 142-147]

• Herlihy, B., Hermann, M.A., & Greden, L.R. (2014). Legal and ethical implications of using religious beliefs as the basis for refusing to counsel certain clients. [pp. 148-153]

• Ametrano, I.R. (2014). Teaching ethical decision-making: Helping students reconcile personal and professional values. [pp. 154-161]

• JCD Special Section, cont’d.:


Dr. Shawn Spurgeon  
Associate Professor  
Clinical Mental Health Counseling Program  
University of Tennessee Knoxville  
former co-chair, ACA Ethics Committee
Questions?