



On the ethics of ending: Terminations and referrals

The counseling relationship is different from other relationships in a number of ways. One of the most salient is that it is time limited; at some point, the relationship between counselor and client will end. Therefore, some basic planning goes a long way in managing both expected and unexpected endings.

The issues of termination and referral can leave counselors pondering several difficult questions. For instance, counselors may worry about abandonment and neglect, feeling unsure of how these terms from graduate school actually apply in practice. Other counselors may wonder which reasons are appropriate (or inappropriate) for referral or termination of counseling services. Additional issues include appropriate termination procedures, transfer of services and client access to records.

Termination is the term for the process when a client is ending services with a particular counselor or organization. Sometimes termination is final, meaning that the client would not be allowed to return for counseling services. More often, however, termination is a door left ajar. The opportunity remains for the client to return to counseling with that provider, but for now, the client is either switching to another provider or ending treatment altogether.

Referral is when counselors make recommendations of where else a client might seek treatment. This may happen if counselors cannot accept the client for some (appropriate) reason or, if after some treatment has occurred, the client's needs have changed. Counselors do not refer simply because they don't "like" a client or disagree with a client. Clients should be given a minimum of three referrals for other providers who are located within a

reasonable distance. These referrals should be based on the client's needs, not because the counselor has some relationship with the other providers.

Abandonment and neglect

Many counselors worry that if they have to terminate or refer a client, especially with short notice, they may be accused of abandonment. Abandonment is a term that has sometimes been misused in the counseling world, so some counselors may not have a good understanding of what it is (and isn't).

Abandonment is leaving clients without services and assistance. The 2014 *ACA Code of Ethics* states, "Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness and following termination." Therefore, to avoid abandoning or neglecting clients, counselors and organizations should take the necessary steps to arrange for continuation of treatment that is appropriate to a client's needs in the absence of the original provider. It is best for counselors to have some type of emergency plan in place that can be implemented in cases of unexpected absence.

If a counselor is terminated and not allowed to make arrangements for ending treatment with clients, including providing proper referrals, then it is unjust to accuse this counselor of abandonment. However, if a counselor quits without notice and does not arrange for continuation of services for clients, this may fit the definition of abandonment.

Values in terminations and referrals

Counselors always put their clients first. This does not mean that counselors always agree with their clients. However, counselors do respect the dignity of all

clients, meaning they do not impose their values or discriminate against clients who have values that are different from their own.

This issue has become crucial when discussing termination and referral, and several high-profile legal cases (e.g., *Ward v. Wilbanks*) and pieces of state legislation (e.g., Tennessee HB 1840) have brought considerable attention to it. However, the 2014 *ACA Code of Ethics* is clear: Counselors do not refer or terminate clients based on the counselors' values. For a more in-depth look at this topic, see the Ethics Update column by Lynn Linde in the October 2016 issue of *Counseling Today*.

Reasons for terminations and referrals

The reasons for concluding counseling are as varied as the clients themselves. Sometimes these reasons are straightforward, and sometimes they are more complex. Counselors should be aware of the common reasons that counseling relationships end, and they should have plans and policies in place that reflect the *ACA Code of Ethics*, as well as local laws and regulations. In general, counselors should consider termination when they feel that, for whatever reason, the client is not benefiting from counseling. It is unethical to charge clients for treatment that counselors think is ineffective or no longer necessary. When considering referral, use an ethical decision-making model and seek consultation from colleagues who also abide by ACA's ethics code.

Counselors should work collaboratively with their clients to create "counseling plans." These plans help both clients and counselors determine the course of treatment, and they create benchmarks

for clients and counselors to determine when clients have met their goals, no longer need assistance and can start the process of termination. This process includes reviewing the progress made and processing emotions associated with ending counseling. Counselors should also clarify how the boundaries between themselves and their clients are defined after the counseling relationship has ended.

Sometimes even the best-laid counseling plans do not yield the results that counselors or clients desired. This can happen for a variety of reasons: a mismatch in personalities, the uncovering of a different need in treatment, a client not being actively engaged in counseling and so on. In such cases, counselors have an obligation to terminate counseling services rather than continue along an ineffective course. Counselors should make referrals to alternative treatment if clients' goals have not been met or if clients might benefit from another modality or a higher level of care.

When counselors encounter issues that they do not have training to treat, they need to assess their competence

and determine the best course of action to benefit their clients. The *ACA Code of Ethics* states that counselors do not practice in areas in which they are not competent. All counselors should have basic competence to treat most presenting issues. They should also be competent in working with clients from varied racial and ethnic backgrounds, religions, abilities, sexual orientations and gender identities. Counselors should not use referral based on competence as an excuse to dismiss clients whom they do not wish to treat for other reasons.

There are, however, some clients who will need specialized treatments or a higher level of care to meet their treatment goals. It is the counselor's responsibility to assess whether he or she has the knowledge, training and experience necessary to help a client before initiating counseling and then throughout.

Determining competence is specific to the counselor in question. Just because a counselor is more experienced or educated does not mean that he or she has the specific knowledge and training to help a client who needs a specialized form of treatment. Determination of competence

should be based on the client's needs and the counselor's ability to meet those needs. In these situations, consult with a supervisor or experienced colleague.

It is easier for counselors living in densely populated areas, as opposed to those in rural areas, to refer clients to a more competent provider. Therefore, counselors in rural areas should maintain a varied knowledge and skill set in addition to developing any specialties. Dual relationships also may present a challenge for counselors in rural areas. Counselors may find themselves in situations in which there are multiple relationships with clients or clients' family members, or they may receive requests to treat multiple individuals who all know one another. Referral is always the preferred option, although exceptions can be made as long as the counselor can remain objective.

Counselors may need to refer or terminate clients for more personal reasons, such as retirement, illness, impairment, relocation, entering a new practice or death. In these situations, clients should be given notice as soon as possible. Ideally, organizations and counselors will have planned ahead and

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have contingencies in place so that there is little interruption to counseling services.

Counselors should give clients a variety of options to continue treatment at the current organization or to be referred to another provider. Client autonomy in this decision is paramount, and withstanding any legal obligations, the client should be able to choose his or her new provider from a number of qualified options.

There are some concerns regarding self-referral. The 2014 *ACA Code of Ethics* states that it is not acceptable for counselors to refer clients from their place of employment to their own private practice. But what about counselors who are leaving their current employer and entering a group/private practice? Once again, the client's best interest must be at the center of the decision-making process.

If a client insists that he or she wants to see only the current counselor, then the counselor must consider several factors. First, look at legal implications. Some noncompete agreements, which are often signed when a counselor is hired, would not allow the client to see the counselor in a different practice setting. Next consider implications for the client. Issues that counselors should discuss with clients include any changes in coverage or payment that would take place, what other services clients might lose that are connected to their current setting and the accessibility of the new location. Counselors must do their best to educate their clients about the risks and benefits of all options.

The 2014 *ACA Code of Ethics* notes two specific situations in which counselors have the right to terminate clients: safety and nonpayment. Standard A.11.c. reads in part, "Counselors may terminate counseling when in jeopardy of harm by the client or by another person with whom the client has a relationship, or when clients do not pay fees as agreed upon." If the counselor is not receiving payment, it is acceptable to terminate the counseling relationship after attempts at remittance have been made.

The issue of safety is more complex because counselors are especially conscious of termination when clients are in crisis. Counselors do not have to "save" clients themselves, but they should do their best to ensure that clients are safe. If clients are at risk of serious and foreseeable harm to

themselves or others, counselors should act to prevent harm, even if it means breaking confidentiality.

Sometimes termination is not the counselor's choice. All the best-laid plans cannot account for a client who simply stops coming to the office or stops responding to the counselor. Counselors should do their best to contact clients who stop showing up, but they must also realize that it is the client's choice to discontinue treatment. Sending a letter to the client with referrals to other providers is best practice. In this situation, the process of notifying the client and closing his or her file should be documented.

Transfer of services

When making referrals and transferring services, conform to the *ACA Code of Ethics*. Counselors should keep the lines of communication open with the new provider and send any necessary documentation. Counselors should get proper permission from clients before transferring any confidential information.

Records

Documentation is important for the protection of clients *and* counselors, so the 2014 *ACA Code of Ethics* requires that counselors keep records throughout the counseling relationship, including during termination and referral. Proper record-keeping is a counselor's best defense against questions of abandonment or neglect with clients. Documentation can demonstrate that counselors took all of the steps they felt were necessary for the good of clients. Records can also help counselors make informed decisions about accepting clients who want to return after termination.

The *ACA Code of Ethics* states that clients should have access to their records. Counselors should include information in their informed consent documents about how clients can obtain a copy of their records after termination. For example, will there be an administrative fee? Will a summary or copy of the case notes be provided? Determine the answers to these questions upfront, before the issue arises.

Conclusion

Counselors must always put the needs of their clients first, even during termination and referral. Although a counseling relationship might end for a variety of reasons, it is the responsibility of

counselors to make sure that they follow the necessary procedures to give their clients the best opportunity to succeed. Counselors must know when ending the counseling relationship is appropriate, and they must not use termination and referral when they are self-serving or unethical.

For additional information, consult the following standards in the 2014 *ACA Code of Ethics*:

- ❖ A.1.a. Primary Responsibility
- ❖ A.1.c. Counseling Plans
- ❖ A.2. Informed Consent in the Counseling Relationship
- ❖ A.4.b. Personal Values
- ❖ A.10.a. Self-Referral
- ❖ A.10.d. Nonpayment of Fees
- ❖ A.11. Termination and Referral
 - ❖ A.11.a. Competence Within Termination and Referral
 - ❖ A.11.b. Values Within Termination and Referral
 - ❖ A.11.c. Appropriate Termination
 - ❖ A.11.d. Appropriate Transfer of Services
- ❖ A.12. Abandonment and Client Neglect
- ❖ C.2. Professional Competence
 - ❖ C.2.g. Impairment
 - ❖ C.2.h. Counselor Incapacitation, Death, Retirement, or Termination of Practice

In addition, make use of the following resources:

- ❖ Ethics Update: "The *ACA Code of Ethics*: Clarifying values and referrals in counseling" by Lynn Linde, October 2016 *Counseling Today*
- ❖ "License to deny service" by Laurie Meyers, July 2016 *Counseling Today*
- ❖ *The Counselor and the Law: A Guide to Legal and Ethical Practice*, seventh edition, by Anne Marie "Nancy" Wheeler and Burt Bertram, American Counseling Association ❖

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