



Starting off on the right foot: Ethical issues facing new counselors

The 2014 *ACA Code of Ethics* places “enhancing human development throughout the life span” first on the list of the counseling profession’s core professional values. Therefore, it should come as no surprise that much of the ethics code deals with the professional development of counselors themselves, from students to seasoned professionals.

One of the main issues new counselors may face is being in the power-down position, whether as students, supervisees or simply the “new kid” among their colleagues. This is especially true when new counselors leave the classroom and venture out into the world to counsel clients as part of their practicum, internship or prelicensure work experiences.

This column will address some of the most frequent inquiries received by the ethics consultants at the American Counseling Association Center for Policy, Practice and Research regarding supervisory relationships, as well as specific concerns that prelicensed counselors and students face based on practice setting. Ariann Robino, current co-chair of the ACA Graduate Student Committee, and Elif Emir Öksüz and John Harrichand, the past and current student members, respectively, of the ACA Ethics Committee, were asked to share their firsthand perspectives as students and new professionals on some of these issues.

Supervision

One of the biggest concerns that new counselors have to navigate is working under supervision. Supervision is important and necessary for the development of new counselors. Although the primary aim of supervision is to oversee the welfare of clients, it is also protective of new counselors. New counselors are still gaining experience, and they benefit from the guidance

and experience of their more seasoned supervisors. Doctoral students may also have the experience of being required to supervise master’s-level interns while still working under supervision themselves.

The complexities of these relationships are many, but entering into a supervisory relationship in an intentional and thoughtful manner can help to prevent many challenges down the line.

Establishing a supervisory relationship

There is wide variation in how much control new counselors have in choosing their supervisors. However, certain considerations can help new counselors set themselves up for success. Even if a student or new professional can choose only from a limited number of available supervisors, having an open and honest dialogue at the beginning of the supervisory relationship can help all parties to feel out the prospective “fit” of the match and begin the relationship on the right foot.

When interviewing for a practicum, internship or job, new counselors should be sure to ask about several important factors. These include:

- ❖ Expectations regarding communication with the supervisor
- ❖ When, where and by what means (e.g., in-person or distance supervision) supervision will take place
- ❖ How the fee for supervision (if applicable) will be structured
- ❖ How they will coordinate with the supervision site, and vice versa, if the supervisor is off-site
- ❖ How they will coordinate with the counseling department if the supervisee is a student
- ❖ Who will be responsible for documentation of the counselor’s supervised experience

Laying all of these factors out in writing in a supervisory agreement is important. In their July Ethics Update column (“Beginning with the end in mind: Precommitment considerations for the supervisory relationship”), Jennifer Nivin Williamson and Daniel Williamson covered various considerations from the supervisor’s perspective, but this information can be helpful for supervisees too.

Additionally, supervisees should be aware that if they must dissolve a supervisory relationship, they should do their best to give notice to the supervisor. Supervisees might want to consider discussing the end of the relationship at the beginning of supervision when drawing up the supervisory agreement. Supervisory relationships are always designed to be time limited. In taking this approach, counselors can prepare for the end and know what the responsibilities and expectations will be ahead of time.

Handling ethical dilemmas as a supervisee

Once supervisees have established a relationship with a supervisor and started working, they may face new challenges, some of which will come from the counseling work. The hope is that new counselors will be able to work within the bounds of the supervisory relationship to resolve these ethical issues.

On the other hand, ethical issues may arise because of supervisees’ relationships with other professionals or even a supervisor. Robino shared her experience of encountering a colleague who had acted unethically. This person was a licensed professional counselor (LPC), a power-up position compared with Robino, a prelicensed counselor working under supervision. “A member of my client’s treatment team was attending [the client’s] sporting games, talking with the mother

about the sport for 15 minutes and billing it as play therapy,” Robino says. She didn’t know what to do; her colleague was committing insurance fraud and “depriving my client of appropriate services.”

Under the guidance of her supervisor, Robino completed an ethical decision-making model to help her weigh the various courses of action. Ultimately, she reported her colleague, “someone in a higher position of power than myself, to the LPC board, as well as ensured that my client was assigned to a different [provider],” she says.

Robino’s experience illustrates how new counselors can use supervision to their advantage when they are in a power-down position. By leveraging the experience and advice of her supervisor, Robino was able to reach a difficult decision and take action to do what she determined was right for her client.

The ACA Center for Policy, Practice and Research receives occasional inquiries regarding supervisors who have not fulfilled their supervisory duties or who have acted unethically. Öksüz described several scenarios in which supervisees might find themselves in the awkward position of having to deal with the shortcomings of their supervisors. For example, doctoral students may be asked to teach a master’s-level course without being properly prepared or without receiving enough faculty support.

In another scenario, doctoral students “might be advocating at a school for a student but working against the school management,” which could cause the doctoral student to fear losing a job or internship site, Öksüz explains. “There are also research-related issues, such as joined authorship, student versus adviser contribution agreement, workload and authorship for the resulting manuscript.” All of these issues can cause friction in a supervisory relationship, especially if the relationship is cold, distant or uncaring, or if the supervisor lacks the necessary knowledge or time to do the job competently, Öksüz says.

These are complex situations. Supervisees often worry that if they report a supervisor, it could have repercussions on their future. For example, the supervisor might not authenticate the hours of clinical or teaching experience the supervisee needs to complete for a degree or licensure. Furthermore, a supervisor could go as far

as contacting the supervisee’s university or the state licensing board to try to block this individual from graduating or becoming licensed as a counselor.

This is a difficult issue with which the counseling profession must grapple. Supervisors are supposed to serve as models for new counselors. When they do something that violates the *ACA Code of Ethics* or the agreed-upon terms of a supervisory agreement, it is arguably more problematic than when a less experienced counselor who is not entrusted to oversee new counselors does something similar. Likewise, the hope is that if counseling supervisors have made honest mistakes, they will still uphold the parts of the ethics code that speak to nonretaliation. Using a position of authority to get even with a supervisee is counter to the counseling profession’s foundational principles.

Even so, what are new counselors to do if they find themselves in such a situation? First, the counselor should seek consultation. Although consultation with one’s peers might be cathartic, this delicate situation requires a trusted and experienced expert. If the supervisee is going to be reporting an offense by his or her supervisor, it is likely the counselor will need ongoing support — as well as a new supervisor. Second, the advice given to Robino when she had a difficult issue with a colleague is also applicable here. The new counselor should undertake an ethical decision-making process. As part of this process, the counselor should document the situation. When possible, the *ACA Code of Ethics* suggests that counselors first try to resolve issues informally before reporting to licensing boards, professional associations or certification bodies.

Although there are no easy answers in such situations, new counselors should know that these scenarios do seem rare based on the inquiries submitted to ACA.

Practice setting

When it comes to practice setting, new counselors may again have limited choices. There are only so many internship and practicum sites that will partner with a particular university, and supervisors in agency or private practice settings can take on only so many supervisees for prelicensure hours. Each setting provides a unique collection of ethical considerations that new counselors should be aware of as they begin working.

Private practice

New counselors looking to work in a private practice first need to ensure that they are allowed to do so by their state board. Some state boards put restrictions on the settings in which graduate counseling students or provisionally licensed counselors can practice. Some require that these counselors work in an agency setting. Other licensure boards require only that new counselors in private practice have a supervisor who works at the same location, and still others have no restrictions.

Another concern, especially for practicum and internship students who consider working in private practice settings, is safety and emergency situations. For example, it can be problematic if a student working under the supervision of a solo practitioner has an emergency concern with a client and the supervisor is not on-site. Whereas all counselors should give consideration to their personal safety, especially if they practice in an office with no other staff, this scenario is particularly worrisome for less experienced counselors.

Although issues of insurance billing may come up in both agency and private practice settings, ACA most often receives inquiries from prelicensed counselors who are working (or considering working) under supervision in private practice. Some variation exists from state to state, but most insurance companies will not panel counseling professionals who do not have a license to practice independently — in other words, someone who is still under supervision.

Many counselors have sought to avoid this issue by billing under the supervisor’s National Provider Identifier number. However, this practice may obscure who actually delivered the counseling services. For instance, although the client is receiving counseling from the supervisee, to look at the insurance form, it appears that the client saw the supervisor. This can qualify as insurance fraud, which is a serious offense. To avoid this, before starting to see clients, new counselors can communicate with their supervisors to ensure that insurance forms will be filled out accurately and in a way that aligns with the supervisor’s contract with the insurance company.

Agency settings

Working with other professionals can be tricky for new counselors. Although

they may have an on-site supervisor at their agency, that person may or may not be their supervisor for licensure hours because of state restrictions regarding which professionals are allowed to supervise new counselors. Even if new counselors do have a professional counselor as their supervisor, they may find themselves on treatment teams with a wide array of providers such as social workers, marriage and family therapists, psychologists and psychiatrists. When ethical concerns arise in these settings, counselors may need to educate these other professionals about counselors' obligations under the *ACA Code of Ethics*. This is another instance in which maintaining outside consultation with experienced counselors, even if they are not serving as the new counselor's official supervisors, can be helpful.

Another issue that comes up frequently in ACA ethics consultations is malpractice insurance. Whereas all ACA student members have liability coverage included as part of their membership, once they transition to new professional status after graduation, this becomes a separate cost.

When just starting out, many counselors may choose not to continue paying for their own coverage, especially in an agency setting, because they are covered by their employer's insurance. This may be sufficient to meet requirements in many states, but counselors should be cautious. The agency is paying for the insurance policy. Therefore, if some type of ethical or malpractice suit arises, the policy may cover the agency's liability but not the liability of the individual counselor.

Just as students and prelicensed counselors should consider the end of a supervisory relationship even as they are entering into it, they should also consider the end of their work in a particular setting. Although noncompetitiveness agreements are not exclusive to agencies, ACA does often get inquiries from new counselors who are looking to leave their current agencies and who are worried about self-referral. As is the case with supervisor contracts, it is also important that new counselors consider any contractual obligations to their employer. In such cases, it can be especially helpful to have a lawyer review the paperwork before beginning work. Once choosing to leave an agency, counselors need to be aware of any noncompetitiveness agreements so that they can appropriately transition their clients while meeting their contractual obligations.

University settings

Doctoral students often work for their universities while completing their degrees. Harrichand explains that it is common for doctoral students to be responsible for teaching and supervising a master's-level practicum class as part of their doctoral requirements. The situation can be further complicated, he says, if doctoral students are also completing clinical work at the university counseling center, where some of the master's-level practicum students might also be interning.

"This situation creates the potential for a dual relation where the doctoral student is both an instructor and a peer to the master's-level students who intern with her or him at the university counseling center," Harrichand says. "I learned that role confusion occurs for [master's students] if [the doctoral student] seeks to behave more like a peer in the counseling center and more like an instructor in the practicum class."

Harrichand advises that when such situations arise, it is helpful for the doctoral student to maintain professionalism both in the classroom and at the counseling center. He points out that the doctoral student holds greater influence in this situation. "It is helpful for faculty to have an explanation of the roles and responsibilities outlined in the master's practicum syllabus and to engage in a classroom discussion during the initial class meeting when a doctoral student is used as a co-instructor/supervisor," he says.

Conclusion

Students and new professionals face many of the same ethical considerations that more experienced counselors do. Although new counselors have training and knowledge that can help them in delivering counseling services to clients, it is an important and necessary step for these counselors to work under supervision to ensure that they start their careers off on the right foot and that their clients are well served.

The considerations for picking a supervisor and a practice setting as a student or new professional can be varied and complex. However, with proper thought and planning, the supervisory experience can be a positive step in building a great career for prelicensed counselors.

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

- ❖ A.1.a. Primary Responsibility
- ❖ A.2. Informed Consent in the Counseling Relationship
- ❖ A.4. Avoiding Harm and Imposing Values
- ❖ B.3.a. Subordinates
- ❖ B.6.c. Permission to Record
- ❖ B.6.d. Permission to Observe
- ❖ C.2. Professional Competence
- ❖ C.4. Professional Qualifications
- ❖ D.1.g. Employer Policies
- ❖ D.1.h. Negative Conditions
- ❖ D.1.i. Protection From Punitive Action
- ❖ Section F: Supervision, Training and Teaching (Introduction)
- ❖ F.1.a. Client Welfare
- ❖ F.2. Counselor Supervision Competence
- ❖ F.3. Supervisory Relationship
- ❖ F.4. Supervisor Responsibilities
- ❖ F.5. Student and Supervisee Responsibilities
- ❖ F.6. Counseling Supervision Evaluation, Remediation and Endorsement
- ❖ F.7. Responsibilities of Counselor Educators
- ❖ F.8. Student Welfare
- ❖ F.9. Evaluation and Remediation
- ❖ F.10. Roles and Relationships Between Counselor Educators and Students
- ❖ H.6. Social Media
- ❖ I.1.b. Ethical Decision Making
- ❖ I.2. Suspected Violations

Additional resource:

- ❖ "Ethics Update: Beginning with the end in mind: Precommitment considerations for the supervisory relationship" by Jennifer Nivin Williamson & Daniel Williamson (tinyurl.com/CTJulyEthicsUpdate) ❖

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