Critical Concepts in the 2014 ACA Code of Ethics

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Presentation is posted at:

www.counseling.org/Thecenter

There you can also fill out a for request additional ethics resources
Poll Everywhere

- Web: visit Pollev.co/ethicsspecia848
- Text: ethicsspecia848 to 22333
Objectives:

Participants will:

1. Understand the importance of ACA Code of Ethics and the information contained in the Code;
2. Understand how the Code directs and impacts practice; and
3. Become knowledgeable about how to make ethical decisions.
Why me?

- ACA Ethics Specialist
- ACA staff liaison to the Ethics Committee
- Consult regularly with members regarding ethics dilemmas
Why the 2014 ACA Code of Ethics?

www.counseling.org/ethics
56,000 professional counselors agree to abide by the ACA Code of Ethics
22 state licensing boards have adopted the ACA Code of Ethics

- Alaska
- Arizona
- Arkansas
- California
- District of Columbia
- Idaho
- Illinois
- Iowa
- Louisiana
- Massachusetts
- Mississippi
- New Jersey
- North Carolina
- North Dakota
- Ohio
- Pennsylvania
- South Carolina
- South Dakota
- Tennessee
- Utah
- West Virginia
- Wyoming
The judicial system uses the ACA code as the ethical standard for counselors

- Ward v. Wilbanks
- Keeton v. Anderson-Wiley
Key concept

• The 2014 COE clarifies what was always in the *Code of Ethics* and puts the welfare of the client first.
The 2014 ACA COE

• Applies only to counselors in fulfilling their professional responsibilities with clients, students, supervisees, research subjects, and when consulting.
T or F: The 2014 COE was revised in secret by an Illuminati type shadowy group?

True

False

I’m not sure
2014 revision process

• 11 members representing all aspects of counseling, geographical areas
• 3 year iterative process
• Input received from across the profession, incorporated into drafts
• Draft code on webpage, in publications – comment period
• Finalized fall 2013, approved by Governing Council March 2014
What does it cover?

• ACA Code of Ethics Preamble and Purpose
• The Counseling Relationship
• Confidentiality and Privacy
• Professional Responsibility
• Relationships With Other Professionals

• Evaluation, Assessment, and Interpretation
• Supervision, Training, and Teaching
• Research and Publication
• Distance Counseling, Technology, and Social Media
• Resolving Ethical Issues
Mission

- To enhance the quality of life in society
- Promoting the development of professional counselors
- Advancing the counseling profession
- Promote respect for human dignity and diversity.
It all comes back to...

• A.1.a. Primary Responsibility
  • The primary responsibility of counselors is to respect the dignity and promote the welfare of clients.
Theme:
Raising the Bar
Raising the Bar

• Professional values
• Ethical decision making
• Counselor Personal values
• Social media & technology
Raising the bar for professional values
Preamble

• Definition of counseling: Counseling is a professional relationship that empowers diverse individuals, families and groups to accomplish mental health, wellness, education, and career goals.

• The preamble has 2 parts, both of which are new to the 2014 COE:
  • Professional values
  • Ethical principles
Professional Values

1. Enhancing human development through the lifespan;
2. Honoring diversity and embracing a multicultural approach in support of the worth, dignity, potential and uniqueness of people within their social and cultural contexts;
3. Promoting social justice;
4. Safeguarding the integrity of the counselor-client relationship; and
5. Practicing in a competent and ethical matter.
Extending Boundaries

• The 2014 COE made some changes to the language around boundaries
• The ACA code no longer mentions “dual relationships”
Boundaries: What are they?

- Boundaries are the frame around the relationship that helps define the roles of the participants in the therapeutic relationship
  - Helps the participants know what to expect
  - Helps provide consistency in the therapeutic relationship
- Issues involving boundaries are variable and depend on the people involved and the situation
  - Not static; may change
  - Situational
  - Many types of boundaries
- Critical to be aware how they impact the counseling relationship
Poll: As a counselor I've extended or have considered extending the boundaries of client relationships?

Yes
No
I’m not sure
Boundary crossings versus violations

- Boundary violation: a serious breach that causes harm

- Boundary crossing: a departure from a normally accepted way of doing things to benefit the client; it is situational

- Boundary crossings:
  - Often discuss using terms such as dual relationships, beneficial vs. harmful behaviors, extending relationships beyond conventional boundaries
Crossing boundaries

• Boundary crossings, continued
  • Need to examine why there is a need to cross the boundary
  • Need to weigh the potential harm to the client against the potential benefits
  • Are you consistent in your boundaries? Would you do this same thing for another client in similar circumstances?
  • Is the behavior an accepted part of your workplace
Crossing boundaries

• Occasional or some boundary crossings can be justified if there is benefit to the client and little risk of harm

• But frequent crossings may place the practitioner at risk.
Documentation

The code states for the first time that all counselors must take case notes

“Counselors create and maintain records and documentation necessary for rendering professional services.” (B.6.a.)
Whistleblower Policy

“Counselors do not harass a colleague or employee or dismiss an employee who has acted in a responsible and ethical manner to expose inappropriate employer policies or practices.” (D.1.i)
T or F: an agency or practice that takes a % of the fee paid to a counselor by the client/payer is violating the COE.
Fee-Splitting

- While there is no universal definition of fee splitting, the simplest description is a situation when one professional shares fees with another professional (or entity) who renders no professional services.
- Standard A.10.b. states that it is never okay to give or receive “kickbacks” of any type for referring clients to professional services. Clients should be referred and assigned to counselors based on the needs of the client, not the financial benefit to counselors or the agency/practice.
Fee-Splitting

• If payment is given to the agency/practice to help pay for office space, support staff and the like, it would not be considered fee splitting “but rather a contractual obligation to the organization,” according to ACA’s Ethics Revision Task Force.

• Counselors should always review written agreements carefully before entering into any employment or contractual arrangement and ensure they understand any relevant state laws and regulations. If needed, consult a local attorney.
Raising the bar for ethical decision making
Poll: I've used an ethical decision making model in the past when I had an ethical dilemma in practice.

Yes

No

I’m not sure
The principles of ethical behavior are now explicitly stated

• Autonomy
• Non-maleficence
• Beneficence
• Justice

• Fidelity
• Veracity (new in 2014)
Along with a new focus on using a methodical approach

I.1.b. Ethical Decision Making

When counselors are faced with an ethical dilemma, they use and document, as appropriate, an ethical decision making model....
An example:

• A Practitioner’s Guide to Ethical Decision Making by Forest-Miller & Davis
• Updated in 2016
• https://www.counseling.org/knowledge-center/ethics/ethical-decision-making
Forrester-Miller and Davis Model 2016

1. Identify the problem.
2. Apply the ACA Code of Ethics.
3. Determine the nature and dimensions of the dilemma.
4. Generate potential courses of action.
5. Consider the potential consequences of all options and determine a course of action.
6. Evaluate the selected course of action.
7. Implement the course of action.
• ACA created this infographic provides a quick reference guide to the material presented in “Practitioner’s Guide to Ethical Decision Making” by Holly Forester-Miller, Ph.D. and Thomas E. Davis, Ph.D.

• https://www.counseling.org/knowledge-center/ethics/ethical-decision-making
Raising the bar for counselor personal values
SCENARIO:

- Setting: Yours

  Issue: A counselor feels strongly that abortion is murder. A newly pregnant client wants help in emotionally preparing to terminate the pregnancy.
Can the counselor listed in the scenario refer the client to a different provider?

Yes
No
It depends
I’m not sure
Let’s talk lawsuits

• Ward v. Wilbanks

• Keeton v. Anderson-Wiley
ACA’s official position on the Ward Case

- [www.counseling.org/knowledge-center/ethics](http://www.counseling.org/knowledge-center/ethics)
- Scroll down to:
  - Ethical Implications of a Critical Legal Case for the Counseling Profession: *Ward v. Wilbanks*
As a result of these cases...
An explicit focus on avoiding the imposition of a counselor’s personal values
A.4.b. Personal Values

• Counselors are aware of – and avoid – imposing their own values, attitudes, beliefs, and behaviors.
Which extends to referrals

• A.11.b

• Counselors refrain from referring prospective and current clients based solely on the counselor’s personally held values, attitudes, beliefs, and behaviors
So what does this mean?

- Our clients are more important than we are.

- Professional counselors may not deny counseling services to a LGBTQ+ client (or an individual belonging to any other protected class of clients in C.5) on the basis of the counselor’s values.
C.5 Nondiscrimination

- Counselors do not condone or engage in discrimination against prospective or current clients, students, employees, supervisees, or research participants based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language preference, socioeconomic status, immigration status, or any basis proscribed by law.
• Referrals are to be made on the basis of skill-based competency, not values.

• Referral is an issue of last resort.

How do we define competence?

• Lack of competence is based on several factors and is specific to each counselor:
  • Scope of practice of credential held by the counselor
  • Education, training and experience of the counselor
  • Setting in which the counselor practicing – scope of work
• May refer when a higher level of practice is needed than the counselor is able/qualified to provide
• Does not include lack of knowledge/skills/information about any client characteristic – must educate self, seek supervision, consultation
Raising the bar for Social Media & Technology
<table>
<thead>
<tr>
<th>Does the COE allow for counselors use of social media?</th>
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<tbody>
<tr>
<td>Yes, but only for personal use</td>
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<tr>
<td>Yes, but only for professional use</td>
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<td>Yes, but personal and professional accounts must be separate</td>
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<td>No, counselors cannot use social media under any circumstance</td>
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Distance Counseling, technology and social media now get their own section (H)
What the heck is a personal virtual relationship?

A.5.e  Personal Virtual Relationships With Current Clients

Counselors are prohibited from engaging in a personal virtual relationship with individuals with whom they have a current counseling relationship...
Other new social media implications

• Social media romances are treated the same as in-person affairs (A.5.)
• Make your texting rules clear (H.6.b)
• Don’t check out your client’s Facebook page without their permission (H.6.c)
• Don’t disclose confidential information through public social media (H6.d.)
• Ask yourself if you really want a personal Facebook page (H.6.a)
Ethical considerations of social media use

- Confidentiality
- Informed consent
- Liability
- Account setting

- Groups (open and closed)
- Confirming identity
- Advertising/promotion
- Fee-splitting
Bottom Line

• Personal and professional should be separate
• Develop a social media policy and make it known
• Competence is key!
• Clients’ welfare is vital
Technology Tutor and @TechCounselor

• Technology Tutor: Regular column in Counseling Today (also posted in CT Online) written by Rob Reinhardt
• @TechCounselor: Regular column in CT Online written by Adria S. Dunbar
• ACA webinars
T or F: If a client is on a vacation in another state it is OK to have a session with them over the phone.

True

False

I’m not sure
New distance counseling responsibilities

• Determine whether counseling your client is legal (H1.b)
• Verify your client’s identity (H.3)
• Address distance counseling in your informed consent procedures (H.2.a)
New distance counseling responsibilities

• Acknowledge the inherent confidentiality limits (H.2.b)

• Encrypt (H.2.d)
Only I can save my client!

• And other faulty thinking:
  • Practitioner may not be fully aware that own behavior is a boundary crossing
  • Normalization of deviance
  • Boundary crossings are the primary reason for referral for discipline/ethics committees
  • Whose needs are you meeting?
  • When is doing more enough?
Only I can save my client! And more....

- Need to look at client autonomy and the client’s right to choose; sometimes helping involves letting our clients fail
- Is what you are doing a standard practice?
- Would you do this for everyone or only for this client?
- What happens if you don’t help this time?
- Is your help actually enabling?
Words of Wisdom

• Just because it’s not in there (COE), doesn’t mean you can

• Just because you can, doesn’t mean you should.

• It’s a slippery slope...

• It’s lonely out there...

• Only I can save my client... And other faulty thinking
Where to go from here

• The ACA knowledge center
  www.counseling.org
ACA 2014 ethics code resources

• The code itself
• Monthly “Ethics Update” in *Counseling Today*
• Podcasts

• Webinar series
• Interview series
• Books
Join us in NOLA!

• 2019 ACA Conference & Expo, March 28-30, New Orleans, LA
• [https://www.counseling.org/conference](https://www.counseling.org/conference)
• Many ethics presentations including the ACA Ethics Committee
ACA Awards

• The ACA Graduate Student Ethics Competition is now called the part of the ACA National Awards, Graduate Student Awards of Excellence

• [https://www.counseling.org/membership/awards/gradstudents](https://www.counseling.org/membership/awards/gradstudents)

• Select either “ACA Graduate Student Ethics Awards for Master’s Degree Students” or “ACA Graduate Student Ethics Awards for Doctoral Students”
Which one is more important to you: Parity or Portability?
AMA: What do you want to know more about when it comes to ethics?
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There you can also fill out a for request additional ethics resources