



The importance of using decision-making models

Question: I have a colleague who is in the middle of an investigation by her licensure board based on a complaint from one of her clients. It's a tricky situation, but she did not consult with colleagues before making a decision about how to act. Could this failure to consult, in itself, be a violation under the *ACA Code of Ethics* and our state licensure law and regulations?

Answer: You raise an interesting and important issue. The 2014 *ACA Code of Ethics*, both in its “Purpose” section and in Standard I.1.b., sets forth the expectation that counselors will use a credible decision-making model and document such use when faced with an ethical dilemma. Additionally, Standard C.2.e. of the ethics code states that counselors should “take reasonable steps to consult with other counselors, the ACA Ethics and Professional Standards Department, or related professionals when they have questions regarding their ethical obligations or professional practice.” If your colleague did not follow this guidance from the *ACA Code of Ethics*, there is the possibility that a violation could be found.

Furthermore, even if your colleague is not a member of the American Counseling Association, there is possible liability at the level of the state licensure board. Many states have adopted the *ACA Code of Ethics* as part of their licensure laws and regulations. If your colleague practices in one of these states, this could become a legal matter. Additionally, if the client pursues a malpractice lawsuit, it is possible that the counselor could be found to have violated the legal “standard of care,” which might result in a monetary judgment in the civil lawsuit. This would depend on the specific circumstances and facts of the case.

It is important to note that there is not one sole ethical decision-making model that must be used in all situations. In fact, there are many models from which to choose, including those developed by Holly Forester-Miller and Thomas E. Davis, Gerald Corey et al., and Elizabeth Welfel. In the recently revised eighth edition of *The Counselor and the Law: A Guide to Legal and Ethical Practice* (published by the American Counseling Association), Burt Bertram and I have set forth a revised legal and ethical decision-making model. It is fleshed out in much greater detail in the book, but the basic framework of the model is as follows:

- 1) Define the problem(s)/dilemma(s).
- 2) Identify the client's worldview.
- 3) Review/understand the law, ethics codes and institutional policy.
- 4) Be alert to personal influences.
- 5) Obtain outside perspective.
- 6) Enumerate options and consequences.
- 7) Decide and take action.
- 8) Document decision-making and follow-up actions.

If you or your colleague are interested in reading the book, which contains an expanded version of the model and an accompanying case study for analysis, visit the ACA Online Bookstore at counseling.org/bookstore. ♦

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CEO's Message

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boards also include more professional school counselors, if we want licensed professional counselors to have the ability to move seamlessly between states and to practice without jumping through bureaucratic and discriminatory policies — then we need more members.

I think ACA does a terrific job of reminding existing members to renew. So, what I am asking you to do is

to bring in a professional counselor, counselor educator or graduate student who has never been a member of ACA and introduce them to all we have to offer — professional development, public policy advocacy, ethics consultations, career services, the best professional liability insurance and a place to network with colleagues. Direct your colleagues to counseling.org/membership/join-reinstate.

I thank you in advance for the amazing work you will do in the coming year.

As always, I look forward to your comments, questions and thoughts. Feel free to call me at 800-347-6647 ext. 231 or to email me at ryep@counseling.org. You can also follow me on Twitter: @Richyep.

Be well. ♦