



March 6, 2013

The Honorable Dolores Gresham
Chair, Tennessee Senate Education Committee
301 6th Avenue North
Suite 308 War Memorial Building
Nashville, TN 37243

Dear Chairwoman Gresham:

I am writing on behalf of the American Counseling Association (ACA), the nation's largest non-profit membership organization representing the counseling profession, to express our deep concern regarding SB 514, legislation before your committee.

Licensed professional counselors (LPCs) are health care professionals. There are more than 120,000 LPCs across the country, and more than 1,200 LPC-MHSPs (licensed professional counselor-mental health service providers) in Tennessee, authorized to treat mental and emotional disorders. Like all other health professionals, counselors are trained to put the needs of their clients ahead of their own; simply put, counseling is about the client, not the counselor. Multicultural competency—the ability to work with a client based on his or her particular beliefs, values, and spirituality—is a core skill required of all counselors. Tennessee's Board for Professional Counselors, Marital & Family Therapists, and Clinical Pastoral Therapists requires the state's LPC-MHSPs to abide by the *American Counseling Association Code of Ethics*. ACA's *Code of Ethics* is the most widely recognized statement regarding ethical practice by professional counselors.

The *Code of Ethics* states that “[t]he primary responsibility of counselors is to respect the dignity and to promote the welfare of clients” (Section A.1.a).

More directly, Section A.4.b of the *Code* requires that:

Counselors are aware of their own values, attitudes, beliefs, and behaviors and avoid imposing values that are inconsistent with counseling goals. Counselors respect the diversity of clients, trainees, and research participants.

Additionally, Section C.5 of the *Code* states that:

Counselors do not condone or engage in discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law. Counselors do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

The *Code of Ethics* explicitly applies to students. Section F.8 of the *Code*, entitled “Student Responsibilities,” states that “[s]tudents have the same obligation to clients as those required of professional counselors.”

As you may know, the issue of counseling students' religious beliefs and counseling of clients with alternative beliefs was the subject of a recent lawsuit in Michigan. In July of 2010, the U.S. District Court for the Eastern

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District of Michigan, Southern Division, issued a ruling of summary judgment in favor of Eastern Michigan University (EMU) and against counseling student Julea Ward. Ms. Ward had brought suit against EMU, claiming that her religious expression rights were being infringed as a result of her dismissal from the EMU counseling graduate program due to her refusal to provide counseling to a student she knew to be homosexual, and her refusal to undergo a remediation program to learn ethical counseling practice.

In the ruling he issued on the case, the Honorable George Caram Steeh drew a clear distinction between students' personal beliefs and the pedagogical requirements of an education program. As Judge Steeh states in his decision, the *ACA Code of Ethics* requirement that counselors avoid imposing their values on clients:

“...is not a prohibition on a counselor making statements about their values and beliefs in a setting other than with a client. This section is quite narrowly drawn to avoid imposing harm on clients.” (Case no. 09-CV-11237, pp.17-18)

Judge Steeh's ruling notes that:

“The ACA Code of Ethics is the industry standard in the field of counseling. EMU did not write the nondiscrimination policy that it adopted into its counseling student handbook. Rather, the University is using the ACA Code of Ethics to govern its counseling students in exactly the same way they will be governed when they are practicing counselors. (Case no. 09-CV-11237, pp.22)

“A counselor who cannot keep their personal values out of the interaction has great potential to harm her client. Referrals are taught to be a last resort because the nature of issues and topics confronting individual clients are often unforeseen. A counselor may hold himself out to specialize in a particular issue, like eating disorders, but that disorder may be due to underlying issues including, perhaps, coming to terms with their homosexuality. (Case no. 09-CV-11237, pp.26-27)

Were SB 514 to be enacted, a counseling student who was an atheist would be allowed to unilaterally decide not to counsel a client who, as a devout Christian, was struggling with relationship issues related to remaining abstinent until marriage. In ACA's perspective, this would be unethical practice, yet it would be allowed under SB 514. This is just one example of the legislation's unintended consequences. There are many others.

We urge Tennessee legislators to vote against SB 514, and to continue to allow Tennessee universities to determine the instructional methods and content needed to prepare students to meet the well-developed ethical standards of counseling and other established mental health and social service professions. Our staff would be happy to answer any questions you and your colleagues may have on these issues.

Thank you for your consideration.

Sincerely,


Richard Yep, CAE, FASAE
Executive Director and CEO
American Counseling Association

cc: Senate Education Committee