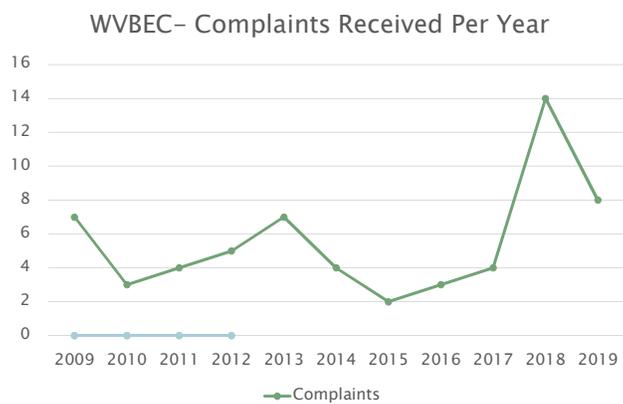


# Practical Approaches to Ethical Decision Making

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## Ethical Violations– West Virginia



(Roxanne Clay, personal communication, May 1, 2019)

## Ethical Violations– West Virginia

Complaints Received That Resulted in Disciplinary Action Taken



(Roxanne Clay, personal communication, May 1, 2019)

## Ethical Violations– West Virginia

ACA Code – by Section or WV Code	Total # Allegations	Disciplinary Action	Recommendation Letters	In Progress
WV Code Violation – Felony Indictment or Conviction	2	2	0	
The Counseling Relationship A1.b, A.2, A.4, & A.5	40	9	0	9
Confidentiality and Privacy B.1.c, B.6.b., & B6.i	16	4	1	4
D. Relationships with Other Professionals	3	1	0	1

## Ethical Violations– West Virginia

ACA Code – by Section or WV Code	Total # Allegations	Disciplinary Action	Recommendation Letters	In Progress
E. Evaluation, Assessment, & Interpretation	4	1	0	0
F. Supervision, Training, and Teaching	4	0	0	0
G. Research & Publication	0	0	0	0
H. Distance Counseling, Technology, and Social Media	6	0	3	0
I. Resolving Ethical Issues	6	1	0	0
<b>Total</b>	<b>107</b>	<b>23</b>	<b>8</b>	<b>16</b>

## Ethical Violations – Ohio

- ▶ 1) Record Keeping Violations
  - Back Dating
    - Going back after the fact and writing case notes.
  - Inaccurate billing (i.e. billing for an hour when counseling session was only 20 minutes)
- ▶ 2) Impairment Cases
  - Mental Health
    - Having a disorder that is impacting your ability to function as a counselor
  - Substance Abuse
    - Prescription Drugs
    - Opiates
    - ETOH
- ▶ 3) Social Media
  - Having a client as a friend on social media page such as Facebook. Engaging in online counseling which is "seen" by others because of the settings on the page.
- ▶ 4) Court Appearance
  - Presenting an recommendation on the custody of a child in a divorce when directed by the courts or a lawyer. However, the Codes state that the counselor can only provide facts.
  - (Bill Hagerity, personal communication, April 13, 2012).

## Ethical Violations–American Counseling Association

- ▶ Approximate Number of inquiries (July 2015–June 2016)
  - 1,739
  - Number of complaints: 5
  - Number of accepted for Adjudication: 2
  - Number of Adjudications held: 2
  - Number of Appeals: 0
  - Number of cases in which Accused found guilty of ethical violations: 0

## Ethical Violations–American Counseling Association

- ▶ Approximate Number of inquiries (July 2009–June 2010)
  - 2,425
  - Nature of Inquires
    - Confidentiality (22%)
    - Responsibility (includes Duty-to-Warn) {29%}
    - Supervision (7%)
    - Licensure (25%)
    - Other (21%)

## Ethical Violations–American Counseling Association

- ▶ Complaint Tallies (July 2009–June 2010)
  - Number of Complaints =9
  - Accepted for Adjudication =6 (3 complaints were non-members)
  - Current before the board =4
  - Number of cases in which Accused found guilty of ethical violations =2. (1 is unclear as to final determination)

## ACA Code of Ethics (2014)

- ▶ Purpose of Ethics
- ▶ To set forth the ethical obligations of ACA members and provides guidance intended to inform the ethical practice of professional counselors.
- ▶ To identify ethical considerations relevant to professional counselors and counselors-in-training.
- ▶ To enable the association to clarify for current and prospective members, and for those served by members, the nature of the ethical responsibilities held in common by its members.

## ACA Code of Ethics (2014)

- ▶ Purpose of Ethics
- ▶ To serve as an ethical guide designed to assist members in constructing a course of action that best serves those utilizing counseling services and establishes expectations of conduct with a primary emphasis on the role of the professional counselors.
- ▶ To help support the mission of ACA.
- ▶ To serve as the basis for processing inquiries and ethics complaints concerning ACA members.

## Ethical Decision Making Model

- ▶ 1) Identify the Problem
  - Get as much specific and objective information about the situation as possible. During this time you may ask yourself the following questions:
    - It is an ethical, legal, professional, or clinical problem? Or is it a combination of these?
    - Is the issue related to me and what I am or am not doing?
    - It is related to a client and or the client's significant others and what they are or are not doing?
    - Is it related to the institution/agency policy and procedures?
      - If the issue is an agency issue that it can be resolved in-house by using agency guidelines.

## Ethical Decision Making Model

- ▶ 2) Apply the ACA Code of Ethics
  - Determine if one or multiple code of ethical address the issue that is arising. If so then follow the Code. If not, then continue with the model.

## Ethical Decision Making Model

- ▶ 3) Determine the Nature and dimensions of the Dilemma
  - Examine the moral principles of autonomy, nonmaleficence, beneficence, justice and fidelity and which apply to the situation and which ones take presided in this case.
  - Consult with colleagues and other professionals as they may be aware of other issues that you are not aware of.
  - Consult with state and professional associations.

## Ethical Decision Making Model

- ▶ 4) Generate potential courses of action
  - Develop a list of all the possible solutions to the current dilemma. Having colleagues to work with will provide great ability to think of possible solutions.
- ▶ 5) Consider the potential consequences of all options and determine a course of action
  - Based on all the available information that you have obtained, what are the consequences of your plan for all those that are involved. Remove those options that do not give the desired response and then review those remaining to determine which option or options would provide the most effective outcome.

## Ethical Decision Making Model

- ▶ 6) Evaluate the selected course of action
  - Assessing to determine if a new ethical situation arises in the course of your choice.
  - Review the actions based on the following:
    - Do you treat others the same in this situation? (Justice)
    - Would this behavior be something that you would want to be announced to others?
    - Would you recommend the same course of action to a counselor in the same type of situation?
  - If a new ethical issue has arose, then it is important to reevaluate the steps to determine if the choices were the best or identified the wrong dilemma.
- ▶ 7) Implement the course of action
  - This steps includes not only following the plan that you have developed but also assessing the plan to determine if the plan was successful in its goal.

## Social Construction Model of Ethical Decision Making

- ▶ 1) Obtain Information
  - In this step, the counselor will obtain information from all the members that are involved in the ethical dilemma.
  
- ▶ 2) Assess
  - In this stage, the counselor will assess the relationships of the individuals involved? Questions the counselor may want to determine is if there is conflicting opinion or is it adversarial?

## Social Construction Model of Ethical Decision Making

- ▶ 3) Consult
  - In this stage, the counselor will consult with colleagues in the profession, supervisors, and the Code of Standards (ACA).

## Social Construction Model of Ethical Decision Making

- ▶ 4) Negotiate/Consensualize/ Arbitrate
  - The objective of this phase is agreement; however, this may not always be the case and there may be a process before this occurs.
  - Negotiation
    - This is the process of debate about the ethical issue at hand.
  - Consensualize
    - This is the agreement between individuals about an issue. This is not the final answer; however, part of this process in determining the solution. If consensus is not obtained that arbitration must occur.
      - Interactive Reflection
        - This is the process by which a selected group of individuals determine if negotiation should or arbitration is needed based on an understanding of the members.
  - Arbitrate
    - This occurs when an arbitrator is used to determine a ruling based on the information provided. This will be the final judgment.

## Social Construction Model of Ethical Decision Making

- ▶ 5) Respond
  - The counselor responds to the ethical dilemma in a manner that has taken account for all those involved and has obtained a reasonable consensus
  -

## Let's Apply the Model to the Real World!

- ▶ Mr. Smith has a small private practice office in a town in West Virginia. One day, on his way out of his office he runs into Joseph, who stops him to talk. Joseph was a client of Mr. Smith not even a year ago who has been down on his luck because he (Joseph) can not find a job. Joseph asks Mr. Smith if he knows of anyone that would hire him; or, if he had any work around his office that he could help with. Mr. Smith is thinking about hiring Joseph as a "maintenance worker", but, stops to ask you, Mr. Smith's co-worker, if you think Mr. Smith should hire Joseph. Using one of the ethical models, go through the steps to address this ethical situation.

## Let's Apply the Model to the Real World! Example #2

- ▶ Ms. Hauser works in a mental health facility in a metropolitan city in West Virginia. You are a coworker with Ms. Hauser and both you and her have supervisees from the local university in town. One supervisee, Dom is trying to complete his 600 hour internship (240 direct hours) in one semester. However, you have been watching Dom and Ms. Hauser and notice that he (Dom) is only at the mental health facility during the weekdays and from normal business hours (9:00am to 5:00pm). Besides this, the facility is not open on the weekend or holidays and he only has 14 weeks to complete the hours. You are concerned that the paperwork is being manipulated so Dom can obtain his hours and then your mental health facility will be able to hire him once he has the degree. You currently lack any solid evidence of this fraud. What steps do you take?

## Final Thoughts

- ▶ Ask yourself, “What is in the best interest of the client?”
- ▶ Talk with the client about the ethical issue that are occurring.
- ▶ Talk with colleagues/obtain supervision

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