

# Professional Orientation and Ethical Practices

Comps Study Guide #8

Give a high level  
overview of the history of  
counseling through the  
1950's.

The years after the Civil War, the first American counselors were deans and advisors who were responsible for female college students.

1879 - First psychological laboratory established by Wilhelm Wundt.

1890 - Freud began psychoanalysis treatments.

1898 - Jesse Davis started work as a counselor in a high school in Detroit.

1908 - Frank Parson was director of the Vocation Bureau in Boston and

Clifford Beers published A Mind That Found Itself a book about conditions in mental health institutions.

1909 - Parson's Choosing A Vocation established the trait-factor approach in guidance.

1913 - The first professional counseling association, the National Vocational Guidance Association, was established.

1917 - The Smith-Hughes Act was passed, establishing the first federal funding for guidance and vocational education.

1931- The Workbook in Vocations by Proctor, Benefield and Wrenn changed popular usage from "guidance" to "counseling."

1939 - Williamson published How To Counsel Students modifying Parson's trait-factor approach.

1941 - Rogers published Counseling and Psychotherapy

After 1945 - counseling services were expanded by the Veteran's Administration.

Give a high level overview  
of the history of counseling  
from 1960 to the present.

1960s - Behavioral, gestalt, rational emotive, and reality approaches to counseling were developed.

1962 - Wrenn's The Counselor in A Changing World was published.

California became the first state to pass a law licensing marriage, family and child counselors.

1976 - Virginia passed the first law to license general practice counselors.

1981 - The Council for the Accreditation of Counseling and Related Educational Programs was established.

1983 - The APGA became the American Association for Counseling and Development.

1992 - The AACD became the American Counseling Association.

1990s - Specialty counseling areas developed and laws regarding the profession were passed at the federal level.

Review current and  
continuing trends in counseling.

Counseling deals with a wide variety of human conditions, activities, and characteristics, including personal growth, mental health, career development, wellness, social and interpersonal relationships, and pathological psychology. Changes in society and growing social awareness are increasing the influence of multiculturalism, spirituality, justice, oppression and violence.

Technology has brought about several changes and will continue to be a major influence in the field, with the internet and computer-assisted counseling (CAC) as important trends. As the involvement of electronic resources increases, there will be a need for research into the positive and negative effects of the trend. Currently there is little or no research on the subject, although some counselors feel that CAC is having a depersonalizing effect on counseling.

Counselors are currently licensed by the states and not all states have reciprocity with all others. The question of credentialing will become even more important as Internet counseling grows, since an Internet cliental could spread far beyond a geographical location. Efforts by the American Association of State Counseling Boards may lead to portability or licensed counselors. The establishment of the National Credentials Registry in 2005 was a step in that direction.

Describe the principles of ethical decision-making and the purpose of the ACA Code of Ethics.



While each counselor has his or her own ethical standards, some general principles underlie many of the ethical decisions counselors make. These principles include: beneficence, not causing harm, respect for freedom of choice and self-determination, fairness, and honoring commitments.

The ACA Code of Ethics and Standards of Practice is a document produced by the ACA that establishes principles of ethical behavior to which all ACA members must adhere.

Discuss ethical issues  
that must be addressed in  
group counseling.

The ethical issues such as **informed consent** that pertain to individual counseling are valid for group counseling.

One issue that expands for a group is confidentiality. **Confidentiality** must be maintained by all members of the group so that no identities or other information is revealed to anyone outside the group, although there should be a clear understanding of when confidentiality must be waived.

Members should **not engage in social relationships** with each other or discuss the sessions outside of the meetings. The counselor should maintain an environment that discourages cliques and subgroups, but encourages **respect for all group members regardless of such factors as race, gender, religion, sexual orientation, or socioeconomic level.**

Discuss ethical issues  
that must be addressed  
in family counseling.

In family counseling both the counselor and the family involved must be very clear as to whether the family as a whole or an individual family member is actually the client. **The identity of the client** will determine how the counselor deals with diverse issues (family vs. family member) and where the counselor focuses attention.

**Confidentiality** is another issue that will arise, since there is a distinction between information shared with the counselor in an individual session and in discussions when the entire family is present. If the counselor learns of child abuse or incest, that information must be reported to the authorities. Confidentiality may be waived if the counselor is required to testify in court in cases of abuse, involuntary commitment, or child custody.

The counselor must be **aware of his/her own biases and prejudices** and able to set them aside when dealing with an alternative family or with a family from a different cultural background.

Define the following:  
morphostasis,  
morphogenesis,  
aspirational ethics,  
quid pro quo,  
paradox,  
and differentiation.

**Morphostasis** - an adaptability skill a family may use in balancing stability

**Morphogenesis** - an adaptability skill a family may use in handling change.

**Aspirational ethics** - ideal practices.

**Quid pro quo** - something for something - an exchange in which each person does something for the other - an unethical practice for a counselor would be for the counselor to exchange counseling for some service the client could provide.

**Paradox** - prescribing the problem but with an exaggeration or some sort of twist. It should not be used with addictive behaviors that harm the client or others, or with suicidal or homicidal clients.

**Differentiation** - the ability of each member of a family to maintain his or her own sense of self.

Explain the following:

ICD,

PL94-142,

and

1958 National Defense Education Act.



**ICD** - the Manual of the International Statistical Classification of Diseases, Injuries and Causes of Death - a publication of the World Health Organization that can be used as an alternative to the DSM-5 in coding client diagnoses for insurance purposes given that the DSM-5 codes are the ICD code.

**PL 94-142** - The Education Act for All Handicapped Children, which was passed in 1975, is a federal law that provides a free education for all children between the ages of 5 and 21, that placement for handicapped persons will be in the least restrictive environment and that an Individualized Education Plan (IEP) will be provided for every child. I<J58

**National Defense Education Act - (NDEA)** - a federal law passed in reaction to the launch of Sputnik, that provided student loans in areas of science and technology and also in such fields as counseling, librarianship and foreign language.

Describe Section A  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section A:** The Counseling Relationship describes the counselor's obligation to respect the dignity of the client and promote his or her welfare. This section requires that the counselor receive informed consent for the counseling, that he or she communicates important information such as the client's rights and responsibilities both verbally and in writing. Also in this section is a review of the relationship of the counselor with the client as an individual, as part of a group and at the institutional and societal levels. Sexual contact with clients is expressly forbidden. The quality of care for terminally ill clients, the collection of fees and receiving gifts are also covered in this section, as is the ethical use of technology.

Describe Section B  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section B:** Confidentiality, Privileged Communication and Privacy, covers how information about clients must be handled and deals with the issue of trust. This section delineates the circumstances under which confidential information may be disclosed. Confidentiality in group work is discussed as is the storage and disposal of records. Prior consent from the client is required for the recording of a counseling session and for the transfer of information to third parties unless specific exceptions permit the transfer. This section also states that counselors must disguise the identity of a client when information is used in training, research, or publication. Information must be handled in a culturally sensitive manner.

Describe Section C  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section C:** Professional Responsibility, states the requirements that counselors practice within their competence levels, continue their education, avoid working with clients who might be harmed by the counselor's problems, and truthfully represent their credentials and services in advertising and at other times. The section also prohibits the recruitment of clients through a counselor's other employment or social contacts, sexual harassment, exploitative relationships with subordinates, and unjustified compensation. Relationships with other professionals serving the clients and employment conditions that might negatively impact the counselor's work are also covered. Techniques and procedures must be based in accepted theories or the client must be told they are unproven.

Describe Section D  
of The ACA Code of Ethics.



## **ACA Code of Ethics**

**Section D:** Relationships with Other Professionals, stresses that counselors must respect different approaches to treatment and develop good working relationships and communications with colleagues so that services to the clients are enhanced. This section also addresses working with an interdisciplinary team, informing employers if inappropriate practices are observed, the selection and treatment of employees, and the provision and use of consultation services.

Describe Section E  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section E:** Evaluation, Assessment and Interpretation, addresses the reasons for assessment and states that the assessment method must be appropriate for the client and within the competence of the counselor. The client must give informed consent for the assessment. This section also discusses the release of assessment data. Assessment techniques used to diagnose mental disorders must be carefully selected and used appropriately, and the client's cultural and socioeconomic background must be considered in the diagnosis. Forensic evaluation is also covered in this section.

Describe Section F  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section F:** Supervision, Training and Teaching, deals with the role and responsibilities of the counseling supervisor who has the obligation to secure training in supervision. The section also addresses the issues of competence; multiculturalism and diversity; and relationships between supervisors and supervisees, including sexual relationships and sexual harassment. Also delineated in this section are the responsibilities of counselor educators, who develop, implement, and supervise programs of education that include clinical experience for future counselors. Student welfare and responsibilities, student evaluation and remediation, and the relationship between educators and students are covered in this section.

Describe Section G  
of The ACA Code of Ethics.

## **ACA Code of Ethics**

**Section G:** Research and Publication, encourages researching counselors to contribute to the profession's knowledge base. This section describes the parameters for research using human participants and requires that counselors observe stringent safeguards to protect the rights and welfare of the participants. Among the rights of the participants are informed consent, limits on the use of deception, confidentiality of the collected information, and clarification of the nature of the study. The section also covers disposal of research documents and the relationships between the researcher and the participants. Publication guidelines are also included.

Describe Section H  
of The ACA Code of Ethics



## **ACA Code of Ethics**

**Section H:** Resolving Ethical Issues, addresses the necessity of commitment to a high ethical standard, as exemplified by the ACA Code of Ethics. Conflicts between the ethical standards and the law should be solved, if at all possible, without violation of the standards, but if such resolution is not possible, the counselor must abide by the law. This section also deals with the reporting of ethical violations, organizational conflicts, and cooperation with ethics committees.

Counselors can work as consultants.  
Give an overview of the tasks of a  
counselor as a consultant.

A consultant is an expert who can use his or her expertise, proven methods, and advice to help a business, an organization, or an individual solve a problem or improve a situation.

The tasks of the consultant may include gathering information about the client and/or outside research and the analysis of the information, conferences, workshops, or seminars that address a client's interests and concerns, participant observation programs, organizational or project assessment, and making recommendations for change or improvement.

Describe Public Law 93-380  
(Buckley Amendment).

Public Law 93-380, commonly known as the **Buckley Amendment** provides for the confidentiality of school and college related information. An educational institution may not release private information even to parents without the student's consent unless the student is under 18 years old or listed as a dependent on the parents' federal tax return. Students and parents of dependent students have the right to inspect the student's record and correct errors.

Discuss accreditation  
in the counseling profession.

Accreditation is the recognition that an educational program meets established criteria and standards. The Council for the Accreditation of Counseling and Related Educational Programs (CACREP) is the accrediting agency for counseling programs that offer the master's and doctoral degrees. More than 300 programs in the U. S. offer a master's degree and at least fifty offer a doctorate. Some degrees are specific to a particular discipline such as school, marital, career, or gerontological counseling.

Other agencies that accredit programs include the Council on Rehabilitation Education, the American Association for Marriage and Family Therapists, and the American Psychological Association.

Explain licensure  
in the counseling profession.



Licenses are issued by the states and each state has its own laws and requirements for licensure. Most states require a master's degree in counseling with courses in eight content areas, student field experience, post-degree supervised experience, and a passing score on a state exam. Both the National Counselor Exam and the National Clinical Mental Health Counseling Exam are used.

Some states have just a “**title control**” **law**, which allows non-licensed counselors but forbids their usage of the Licensed Professional Counselor (LPC) title. Other states have “**title and practice control**” **laws**.

Some states limit the use of psychological tests and others are reducing the scope of counseling practice. Some psychologists object to the licensure of counselors.

Discuss certification  
in the counseling profession.

National Certified Counselor (NCC) is a designation held by nearly 40,000 American counselors. The designation means that each has met the qualifications set by the National Board of Certified Counselors (NBCC). Those qualifications include an educational requirement of an advanced degree in counseling with coursework in eight content areas and that the candidate serves an internship, a supervised experience requirement of 3,000 hours in the counselor's specialty, and a passing score on the National Counselor Examination for Licensure and Certification. The NBCC was established in 1982 and has responsibility for certifying counseling professionals. After achieving the NCC a counselor may qualify for a specialty credential in school counseling, mental health counseling, or working with addictions. A continuing education requirement of 100 clock hours per five years of certification must be met in order for the counselor to maintain certification. Graduate students in a CACREP program can be certified at graduation.

Rehabilitation counselors are certified by a separate board.

School and drug and alcohol counselors are also certified by the states in which they practice.

Explain the Tarasoff Case  
and the duty to protect.

In 1976 the Tarasoff family sued the University of California Board of Regents after Prosenjit Poddar, a client of a university psychologist, murdered Tatiana Tarasoff. The psychologist, in maintaining confidentiality, had **failed** to warn Ms Tarasoff that Poddar was a danger to her. The outcome was that counselors are now **required to warn their clients intended victims**, even when the warning violates both confidentiality and privileged information.

**The duty to protect** means that a counselor has a responsibility to protect clients from suicide. The counselor should have procedures and guidelines in place for handling such situations, be aware of referral possibilities, and be thoroughly familiar with signs that the client may be planning suicide.

Explain confidentiality  
and privileged information.

These two issues are related but are not identical.

**Confidentiality** is an ethical issue that requires a counselor not to discuss a client, or even acknowledge that a particular person is a client, with anyone outside of the agency.

**Privileged Information** is a legal issue established by law that prohibits communications between counselors and clients from being revealed in court. There are some situations that require or permit the waiver of privileged information and confidentiality. These situations include child abuse allegations, involuntary hospitalization, the client is a threat to himself or others, or a court order requires the release of information.

Explain professional liability  
and malpractice.



**Professional liability** is the counselor's responsibility to provide clients with services that meet the standards of the profession.

**Malpractice** is the legal term for a situation in which the counselor fails to deliver services, the services are substandard, or harm results to the client because of the negligence or ineptitude of the counselor. Clients who feel they have not received proper services or have been harmed by the counselor's treatment may bring a malpractice suit against the counselor and/or the agency. Successful malpractice suits require that there was a client/counselor relationship, the counselor was negligent or the services were substandard, the client was physically or psychologically harmed, and the injury resulted from a breach of duty.

Counselors can protect themselves by carrying liability insurance, which is available through the ACA and other agencies.

Define the following:  
statement of disclosure,  
release of information,  
and Title IX.

**Statement of disclosure** - a legal document given to the client before the start of counseling that includes the counselor's credentials, office hours, billing information, privacy policy, and emergency and grievance procedures, as well as information about the counseling procedures and techniques the client can expect.

**Release of information** - a document through which the client gives the counselor permission to share confidential information with another agency or professional - should specify what information may be given to whom at what time.

**Title IX of the Educational Amendments of 1972** - a federal law that bans sexual discrimination in academic institutions from kindergarten to university. Although the law has been applied most often to sports, it applies to academic and all other activities at any educational institutional receiving federal funding.

Explain the following:  
third party payment,  
managed health care,  
HIPAA,  
and EPA.

**Third party payment** - payment of the counselor's charges through an insurance company or through the employer if the counselor is employed by an agency or under the supervision of a psychologist.

**Managed health care** - a system that controls the delivery of health care to members of the system and the payment for that care. Members of Health Maintenance Organizations (HMOs) and Preferred Provider Organizations (PPOs) must choose care providers from lists supplied by the organizations in order for insurance to pay for the services.

**HIPAA (Health Insurance Portability and Accountability Act)** - a national law that sets the privacy standards for client information and the transfer of information.

**EPA (Employee Assistance Programs)** - programs provided by companies to assist employees in dealing with problems, either through an in-house counselor or referrals to outside agencies.

List the steps in establishing  
a counseling program.

1. Develop an understanding of the context in which the program will operate.
2. Assess the need for the program and develop a mission statement.
3. Set goals and objectives and establish criteria for measuring success.
4. Set up feedback procedures.
5. Check for problems by conducting a small-scale pilot program.
6. Create a development plan that includes needed personnel, facilities, funding, and other resources.
7. Create an implementation plan with a schedule for hiring and training personnel and other start-up activities.
8. Start operations and fine-tune procedures and services.
9. Evaluate the program and report to the responsible authorities.
10. Review the program and make modifications as needed.

Describe the skills needed  
in order to manage a  
counseling program.



Counseling program managers need the same management skills as managers in any other field.

Among the necessary abilities are planning, organizing, establishing goals, setting standards, creating and managing budget, and the allocation of resources. Personnel management skills, including hiring, training, supervision, scheduling, and evaluation, are vital.

It is quite likely that marketing, dissemination of information about the program, report writing, and fund raising may also be included in the manager's responsibilities.

List ethical standards  
of practice.

- (1) The counselor must adhere to a code of professional ethics.
- (2) The profession defines ethical practice.
- (3) Informed consent must be obtained before treatment is started.
- (4) Clients must be informed if it is necessary to break confidentiality.
- (5) Parental consent must be obtained when treating a minor.
- (6) Clients must be informed if a session is to be recorded, a supervisor will observe, or if the counselor is still in training.
- (7) The counselor must never engage in a sexual relationship with a client. Any such contact must be delayed for at least five years after the end of the counselor/client relationship.
- (8) The counselor may inform the client's partner if the client has AIDS or is HIV positive.
- (9) Counselors should not treat friends or family.
- (10) Counselors should continue their education, including the development of an awareness of other cultures.
- (11) Confidentiality must be maintained except in the specific circumstances of danger to the client or others, consultations with other professionals, release of information at the request of the client, court orders, and release of information to such agencies as the client's insurance company.
- (12) The counselor's primary responsibility is to the client.

List professional standards  
of practice.

In some states standards of practice are part of the laws that govern counselor licensure. At least twenty states require counselors to adhere to the ACA Code of Ethics. Among the major ethical and legal issues are:

1. Counselors should be familiar with the standards of the state in which they practice and with the ACA Code of Ethics.
2. Counselors should use diagnostic systems to assess clients' needs and fit the techniques and procedures used to each client
3. Methods and techniques should be justified by the theoretical basis of each program.
4. The counselors should use methods, procedures, and techniques that are consistent with their training and experience.
5. Each counselor should practice within his or her level of competence.
6. Training and credentials must not be misrepresented.
7. the relationship with a client must be terminated when the counselor's services are no longer helpful.

List the legal aspects of counseling.

Laws governing counseling practices are usually made at the state level and often overlap ethical principles. Among the issues addressed by law are:

- the requirement that suspected child abuse be reported
- that insurance claims not be fraudulent
- that counselors not engage in sexual contact with clients.

In most cases parents or guardians of minor children have access to the child's records, although there are some circumstances under which a child can receive counseling with parental consent.

In most states licensure grants privileged communication between counselor and client.

Define the following:  
defamation,  
contempt of court,  
CRC,  
MAC,  
registry,  
and abandonment.



**Defamation** - an attack upon a person's reputation by slander (untrue verbal statement) or libel (untrue written statement).

**Contempt of court** - disrespect or disobedience to the authority of a Court. Counselors who refuse to testify in a court proceeding may be charged with contempt.

**CRC - Certified Rehabilitation Counselor** - a person who has earned at least a master's degree in rehabilitation counseling and passed the certification exam.

**MAC - Master Additions Counselor** - a specialty certified by the National Board for Certified Counselors.

**Registry** - a list of service providers. Some states allow counselors who are included in a registry to use the "registered professional counselor" title.

**Abandonment** - a counselor closes a practice or is unavailable for some time without notifying the clients.