



Hot topics: A preview of the Ethics Committee's ACA 2018 Conference & Expo presentation

Among the many highlights of each year's American Counseling Association Conference & Expo is the panel presentation given by members of the ACA Ethics Committee, and this year's upcoming conference in Atlanta promises to be no exception. As a member of the committee (Kevin Doyle) and a member of the ACA staff (Joy Natwick), we would like to encourage every counselor, from first-time attendees of the ACA Conference to experienced veterans, to consider coming to this session. Students are particularly welcome to attend as they move toward completion of their academic preparation and entry into the counseling profession.

What follows is a sampling of topics that we plan to address at the session, along with examples of the kinds of questions that come up often in ACA consultations. Ethics Committee members are also committed to keeping this presentation relatively brief, allowing ample time for those in attendance to ask questions and raise concerns and issues.

Confidentiality

ACA staff members frequently receive calls about possible exceptions to confidentiality, such as harm to self or others, court orders and threats. Our presentation will include an overview of the *ACA Code of Ethics* as it relates to confidentiality issues and a review of common challenges such as those just mentioned. ACA members also commonly raise questions with ACA staff about the risks of breaking confidentiality, so that topic will also be addressed.

Examples of common questions about confidentiality:

- ❖ What should counselors do about family members, lawyers, law enforcement personnel or other providers who are contacting them about a client or client records?
- ❖ How do counselors determine when they need to break confidentiality regarding a client's threat to self, identified others or the counselor?
- ❖ Do counselors have to give clients copies of their records?
- ❖ How do counselors meet legal requirements around mandated reporting?
- ❖ How do counselors respect confidentiality while advocating for their clients?

Boundaries

One of the most significant issues facing counselors is that of establishing and maintaining appropriate boundaries. As the world becomes smaller and smaller through technology and globalization, our connections with people in our communities may impact and challenge our relationships with our clients. A review of essential and reasonable boundary considerations will be built into the ethics presentation at the ACA Conference, and questions from the audience will no doubt enhance this portion of the discussion.

Examples of common questions about boundaries:

- ❖ Should counselors treat a client connected to another client (e.g., treating a parent when the counselor already treats the parent's child)?
- ❖ How should counselors handle situations in which their lives outside of practice are intermingling with their

work (e.g., a client is a member of the counselor's church, the counselor's children go to a school where a client is a teacher)?

- ❖ Should counselors engage in noncounseling business dealings with current clients, former clients or clients' family members?
- ❖ What should counselors do if they cannot avoid these noncounseling interactions (e.g., living in rural areas)?

Termination and referral

The end of a counseling relationship can bring up numerous ethical concerns. Counselors are often interested in the ethical guidelines for what can sometimes become challenging situations. Come to the ethics presentation at the ACA Conference to find out more and to engage further in current thinking on termination and referral.

Examples of common questions about termination and referral:

- ❖ Can a counselor terminate a client if the client makes threats, does not pay, does not respect boundaries or refuses to comply with policies?
- ❖ What are counselors' responsibilities after they have terminated a client or the client has chosen to end counseling?
- ❖ What is a values-based referral, and how can counselors avoid this unethical practice?
- ❖ How do counselors determine whether clients need a higher level of care, and how can they best help clients make this transition?

Change in practice setting

A challenging ethical scenario might arise when a counselor leaves his or her

current practice and either moves to a new agency or opens an individual private practice. It is not uncommon for clients to want to transfer with the counselor under these scenarios. Ethical issues such as self-referrals and clients' autonomy to choose may be raised and should be considered by counselors who find themselves in such situations. Our presenters will discuss these types of issues and offer guidance concerning how to practice in the most ethical manner possible when facing circumstances involving a change in practice setting.

Examples of common questions about changes in practice setting:

- ❖ How do counselors know if they have a contractual agreement that would affect their ability to see current clients in a new setting?
- ❖ How should counselors handle telling their existing clients that they will be leaving their current practice setting?
- ❖ Is it true that an agency or practice can claim to "own" clients and prevent these clients from seeking counseling services elsewhere?
- ❖ Who is responsible for maintaining the records of clients after counselors leave — the counselors or the original practice setting?

Ethical concerns about other providers

The *ACA Code of Ethics* guides counselors in how to manage situations in which they are concerned about a colleague, including the possibility of addressing concerns directly with the other counselor. Determining whether this course of action is appropriate, however, can be challenging. Certain situations may be of sufficient gravity to warrant a report to the ACA Ethics Committee, termination of employment and a report to the state licensing authority. Our ethics presentation at the ACA Conference will help attendees navigate this potentially challenging area of practice.

Examples of common questions related to ethical concerns about other providers:

- ❖ How can counselors determine whether a concern they have about a colleague's behavior rises to the level of an ethical violation?
- ❖ What should students or counselors do if a supervisor gives them instructions

or guidance that they believe is in conflict with the *ACA Code of Ethics*?

- ❖ How do counselor educators or supervisors know when they need to exercise their gatekeeping abilities?
- ❖ How do counselors identify when they should report a colleague to a licensing board?

Technology and counseling

Practicing in another jurisdiction via distance counseling and determining how to do so ethically is an emerging topic that will also be addressed at our ethics presentation. Ethical concerns regarding the use of online counseling platforms will be incorporated into the presentation. This will help ensure that counselors are keeping up with the latest trends in the use of technology and with guidelines for ethical practice related to e-counseling, telehealth, cybercounseling and the other terms being used to describe this growing area of service provision.

Examples of common questions about technology and counseling:

- ❖ How should counselors use social media and write policies for their informed consent documents, websites and online profiles?
- ❖ How should counselors vet online counseling companies and platforms?
- ❖ What should counselors who are working for these companies and platforms do if they become aware of ethical concerns regarding policies, practices or technology?
- ❖ How should counselors proceed when they are considering using distance counseling to work with clients who do not reside in the same state or country if there are no regulations or laws governing this practice yet?

Working with minor clients

Counselors who work with minor clients face myriad challenges related to information sharing and autonomy. Inquiries made to the ACA ethics staff frequently refer to concerns about the potential of losing the client's trust if the counselor were to speak to the client's parent or make a report of abuse. Consent to treatment and access to records are also recurrent topics. These issues will be covered by our panel members, who will offer direction from the *ACA Code of Ethics* and best practice guidelines.

Examples of questions about working with minor clients:

- ❖ How do counselors determine who can give consent for a minor?
- ❖ Who has the right to provide consent for a minor to start treatment, and who can rescind that consent?
- ❖ How do counselors proceed in situations of shared custody?
- ❖ Do noncustodial parents have the right to review their children's records?
- ❖ How can counselors respect the privacy of minors while still upholding their ethical obligations to parents?
- ❖ How do counselors maintain the trust of a minor when they have to make a report of abuse, but the client does not want them to share the information?

Conclusion

Members of the ACA Ethics Committee are already preparing for this important presentation, scheduled for Friday, April 27, from 2-3:30 p.m. at the ACA 2018 Conference & Expo in Atlanta. We encourage you to attend and to bring your questions, concerns and curiosity to this important gathering. ❖

Kevin Doyle is a member of the American Counseling Association Ethics Committee. He is a professor in the counselor education program at Longwood University in Virginia and also has a part-time private practice. He is a licensed professional counselor and licensed substance abuse treatment provider. Contact him at doyleks@longwood.edu.

Joy Natwick is the ethics specialist for the American Counseling Association. Contact her at ethics@counseling.org.

Letters to the editor:
ct@counseling.org