

second edition

ETHICS
DESK
REFERENCE
for **Counselors**

Jeffrey E. Barnett and W. Brad Johnson



AMERICAN COUNSELING
ASSOCIATION

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second edition

ETHICS DESK REFERENCE for Counselors

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To our counseling graduate students, past and present



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Foreword

Drs. Jeffrey E. Barnett and W. Brad Johnson, two highly regarded ethics scholars in the counseling field, have done a marvelous job of interpreting and applying the 2014 American Counseling Association's *ACA Code of Ethics* to a range of counseling settings. This second edition of *Ethics Desk Reference for Counselors (EDR)* is organized in a clear and logical manner, which provides for useful comparisons of the various ethical standards. In Part I, each of the standards (or a group of related standards) is followed with a brief section, Essential Elements, that captures in a nutshell the intent of a given standard or set of standards. A Common Dilemmas and Conflicts section lists some potential risks and areas of concern. The final section, Prevention and Positive Practice, provides a useful checklist of key points that can assist students and counseling practitioners when applying ethical principles in their work. These points highlight steps leading toward aspirational practice. I found the main points listed in all of these sections to be insightful, and they offer a good platform for further thinking about applying a set of ethical standards to one's own counseling practice.

This second edition of the *EDR* retains the original format, but the authors have updated all of its content to reflect the newly revised *ACA Code of Ethics*. Part II explores decision making and ethics in a series of brief chapters, which have been updated to reflect the 2014 *ACA Code of Ethics*. A new chapter, "Integrating Technology Into Counseling Practice," addresses the ethical standards in the new Section H of the code, which provides guidance in the areas of distance counseling, technology, and social media.

The authors make it clear that no ethics code addresses every potential ethical dilemma a counselor is likely to face. They emphasize the importance of developing an approach to ethical decision making as counselors work through an ethical dilemma. I like that the authors highlight that many ethical dilemmas do not have a clearly right or wrong answer. They show how it is critical to carefully consider what the *ACA Code of Ethics* states as applied to a range

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of practical situations. A major portion of the book deals with making the best ethical decisions associated with a variety of practice areas, some of which include ethical issues pertaining to culture and diversity, confidentiality and its exceptions, boundaries and multiple relationships, the use of technology in counseling, competence, working with clients who are suicidal, supervision, and termination and abandonment. They also address the topic of responding to subpoenas and court orders, lawsuits, and ethics complaints. In each of these areas, the authors have written a concise, clear, and meaningful summary of the topic. I particularly like that they are not rule-bound in their discussion of these topics but have managed to present a balanced view of key principles to consider. For example, in writing about multiple relationships, they do identify some of the potential problem areas and offer wisdom to consider before engaging in these relationships. However, they do not judge all such relationships as unethical and unprofessional. In fact, they make the excellent point that sometimes it is possible to harm a client by rigidly adhering to a set of ethical standards without carefully reflecting on the application of these standards to a diverse range of cases.

The writing is exceptionally clear and without extraneous discussion. Drs. Barnett and Johnson keep the focus on basic ethics issues and achieve a balanced perspective in discussing various ethical practices. For example, they provide both benefits and risks of engaging in certain ethical practices, such as bartering, forming multiple relationships with clients, and deciding whether or not to accept a client's gift. In the section on ethical issues regarding culture and diversity, they capture the essence of the various ACA standards associated with diversity perspectives. The authors address the problem of being culturally encapsulated and make a number of useful recommendations for practitioners in ethically and effectively providing services to diverse client populations. They underscore the importance of counselors striving to increase their cultural competence, examining their own cultural values, and adapting their counseling practices to a wide range of clients. They have done a fine job of incorporating the theme of multicultural and diversity perspectives that is a part of the 2014 version of the *ACA Code of Ethics* in all the sections in this book.

Readers who want to reflect on questions such as the following will find plenty of thoughtful material to assist them in applying the ethics standards to various practice problems in professional practice:

- How can counselors embrace a multicultural perspective in all aspects of their practice?
- What are some steps counselors can take in thinking through ethical dilemmas they will encounter in their practice?
- What is the role of consultation in working through an ethical dilemma?
- How can informed consent be designed to meet the needs of a wide range of clients from diverse cultural populations?
- What are some ethical dilemmas in assigning a diagnosis to clients from certain cultural groups?
- What are some critical ethical and legal considerations in the use of technology in counseling?

- What are some advantages and disadvantages in distance counseling?
- What are some key ethical issues counseling practitioners need to address pertaining to social media?
- What are some ethical, cultural, and clinical issues to consider with respect to receiving gifts and bartering?
- What is competence, and how can it best be developed and maintained?
- What are some ethical issues to consider in the practice of supervision?
- How can termination of a counseling relationship be done in an ethical and effective manner?
- What are some ways that counselors might respond to a malpractice suit or an ethics complaint?

The authors did not write a book focused on legal issues, nor did they take a legalistic, risk-management approach to ethics. However, their writing reflects the importance of considering the interface of legal and ethics issues in counseling practice, and they do provide specific guidelines that are bound to be good risk-management practices. The authors clearly focus on what is best for clients and what constitutes sound practice. They focus on the best principles of applying ethics standards to a range of problems counselors will need to grapple with, and they challenge the reader to think about the best way to proceed. It is apparent that Drs. Barnett and Johnson have a clear grasp of ethical practice in counseling and are able to communicate to both students and professional counselors in a collegial manner. They avoid being prescriptive, and at the same time, they offer some solid advice for students and counselors to consider in their process of ethical decision making. This book is a useful supplementary book for students in ethics courses and for counseling professionals in a variety of specializations. In addition, it is a useful reference tool that can be consulted at various points in conjunction with consulting with trusted colleagues. The book is easy to read, interesting, and provides a venue for self-reflection and discussion of key ethics issues in the counseling profession.

—**Gerald Corey, EdD**

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Preface

Counselors strive to practice ethically and competently, with the best interests of those they serve in mind. The American Counseling Association's *ACA Code of Ethics* is the primary source of guidance for ethical practice by counselors. It applies to all roles, settings, and types of services counselors provide. Some aspects of the *ACA Code of Ethics* may seem straightforward, even obvious, in application, but other aspects of the *Code of Ethics* may leave counselors feeling perplexed about how best to apply them. The *Ethics Desk Reference for Counselors (EDR)* is designed to assist counselors in both the interpretation and application of the *ACA Code of Ethics*. Because both the counseling profession and the contexts in which counselors practice constantly evolve, the *Code of Ethics* is periodically revised and updated. This second edition of the *EDR* reflects the latest—2014—edition of the *ACA Code of Ethics*. Each section of the *Code of Ethics* is reprinted here accompanied by a brief commentary that emphasizes its most essential elements, common ethical dilemmas and problems relevant to that section, and specific strategies for prevention and positive practice. The *ACA Code of Ethics* provides standards and guidance relevant to all aspects of each counselor's professional activities and context, but it cannot provide specific guidance or concrete answers for every situation or ethical dilemma. Therefore, we provide a decision-making model to assist counselors in applying the *ACA Code of Ethics* to the broad range of challenges and situations faced in the course of their work. This model provides a step-by-step process for responding thoughtfully to dilemmas that may confront counselors and is intended to supplement the use of the *ACA Code of Ethics*.

Counselors work in a wide range of roles and settings with diverse clients, supervisees, students, research participants, and colleagues. As a counselor, you may face a host of quandaries and dilemmas in your counseling practice, your supervisory work, your teaching, your research, and even your collegial relationships. A thorough understanding of the *ACA Code of Ethics* and how to effectively apply it in any situation will help ensure that you provide the best

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possible professional services. Let's be clear, no one can expect to handle every ethical dilemma flawlessly; life and counseling work are simply too complicated for that. But the use of a thoughtful decision-making process; consultation with colleagues; knowledge of relevant laws, regulations, and policies; and the effective application of the *ACA Code of Ethics* each will contribute to ethical conduct and practice.

The *EDR* is intended to be an easy-to-use and accessible resource for every counselor and for every counselor-in-training. In addition to explaining each section of the *ACA Code of Ethics*, its application, dilemmas associated with it, and proven strategies for prevention and positive practice, the *EDR* offers a number of additional resources to assist counselors in their work. Part II of the *EDR* provides specific ethical guidance in key areas of counseling that are most likely to provoke ethical questions and dilemmas. These special guidance sections include ethical issues in culture and diversity, confidentiality, exceptions to confidentiality, counseling suicidal clients, boundaries and multiple relationships in counseling, competence, supervision, managed care, integrating the use of technology into counseling practice, termination and abandonment, and how to respond to an ethics complaint or malpractice suit. Finally, we provide a set of resources to augment the *EDR* and provide counselors with further consultation and study in the area of professional ethics.

We hope that the *EDR* will be an indispensable resource for each counselor and each counselor-in-training. We also hope you will keep it on your desk, refer to it frequently, and utilize its guidance to help promote ethical and effective counseling practice on an ongoing basis.

Finally, we express our great thanks to Carolyn Baker, the Associate Publisher at the American Counseling Association. Carolyn was extremely helpful in assisting us in taking the *EDR* from our initial idea to this published final product. Carolyn was a valued resource who assisted us each step along the way with her support, guidance, and thoughtful feedback.



About the Authors

Jeffrey E. Barnett, PsyD, ABPP, is a licensed mental health professional and a professor at Loyola University, Maryland. There, among other duties, he trains master's-level students in counseling psychology and advanced graduate students in the Licensed Clinical Professional Counselor track. He has served on professional ethics committees and regularly publishes and presents in the areas of ethics, legal, and professional practice issues for mental health professionals. He also serves in various editorial capacities for a number of professional publications. His most recent books include *Financial Success in Mental Health Practice: Essential Strategies and Tools* (2008; with Steven Walfish) and *Practical Ethics for the Business of Private Practice: A Guide for Mental Health Practitioners* (2014; with Jeffrey Zimmerman and Steven Walfish).

W. Brad Johnson, PhD, teaches in the counseling program in the Graduate School of Education at Johns Hopkins University, where he has been awarded the university's teaching excellence award. He is also a professor at the U.S. Naval Academy and has served as a member of professional ethics committees and institutional review boards. He has authored more than 100 articles and book chapters, as well as 12 books, in the areas of ethical behavior, mentor relationships, and counseling. Among his most recent books are *The Elements of Ethics* (2008; with Charles Ridley); *The Elements of Mentoring: Revised Edition* (2008; with Charles Ridley); and *Ethical Conundrums, Quandaries, and Predicaments in Mental Health Practice* (2011; with Gerald Koocher).

