

Syllabus: EDE 617 (3 credits) Section 50
Legal and Ethical Issues in Counseling
Spring, 2003 W 4:30 - 7:20 pm
Department of Counseling, Administration, Supervision and Adult Learning
College of Education Cleveland State University

**"Everything should be made as simple as possible, but no simpler."
Albert Einstein**

Instructor

Elizabeth Reynolds Welfel, Ph.D., Professor

Program knowledge base for school counseling: The school counselor as facilitator of human development and professional program manager

Community counseling program theme: The community agency counselor as facilitator of healthy development and adaptive functioning in emotional, social, and career domains.

Areas of focus within knowledge base:

- (1) Appreciating the role of professional ethics, statutes and case law in counseling -- high focus
- (2) Planning, developing, managing, and evaluating counseling programs -- moderate focus
- (3) Appreciating the effects of cultural/social heritage on human development – moderate focus
- 4) Understanding of research and its applications -- low focus

Catalogue course description

Prerequisites: Admission to the master's doctoral or LPCC program in counseling and completion of EDE 604, EDE 622, and EDE 684 or permission of the instructor. Introduction to the ethical standards for the profession and to the research relevant to ethical behavior of counselors in mental health, career, and school settings. Study of important legal developments related to confidentiality, testing, research and supervision. Application of ethical and legal standards to complex cases. Examination of emerging ethical issues and models of ethical decision making.

Course Objectives

1. To develop a thorough understanding of the ethical standards of ACA and related professions and their implications for programming and service delivery.
2. To become familiar with major legal rulings that affect the work of counselors and the see the interplay between ethics and the law.
3. To understand the broader ethical principles underlying ethics codes so that students can make responsible ethical decisions about “cutting edge” or complex ethical issues.
4. To become familiar with research findings on ethical behavior of counselors and other mental health professionals.
5. To understand the relationship between personal values, emotional stability and ethical actions as professionals.
6. To become aware of emerging ethical issues and the responsible use of technology in counseling.
7. To understand how racism, sexism, ageism, heterosexism, and other forms of stereotyping are ethical issues.

Textbook and Required Readings

Welfel, E.R. (2002). *Ethics in counseling and psychotherapy: Standards, research and emerging issues*. (2nd ed). Pacific Grove, CA: Brooks/Cole.

Other readings are available by electronic reserve through the CSU Library Webpage at http://scholar.csuohio.edu/screens/m_course.html. Hard copies are on reserve at the Reserve Desk on the first floor of the library. Copies of the *Journal of Counseling and Development*, *Professional Psychology*, *Psychological Assessment*, *Journal of Multicultural Counseling and Development*, *Counselor Education and Supervision* and *Professional School Counseling* are all in the stacks in the CSU library so students can also locate the assigned articles in those bound copies.

Course Outline All readings due on the day assigned.

January 15 Introduction to the course – why bother about ethics?
The nature and scope of unethical practice in community,
school and career settings
ethics Current ethical standards and the interplay of law and

Welfel, 3 - 44 and Appendix A

American School Counselors Association (1998). *Ethical standards for school counselors*. Retrieved from
<http://www.schoolcounselor.org/content.cfm?L1=103>

OR

Ethical standards of the Ohio Counselor and Social Worker Board.
Retrieved from <http://www.state.oh.us/csw/ethics.htm>

Gibson, W.T., & Pope, K.S. (1993). The ethics of counseling: A national survey of certified counselors. *Journal of Counseling and Development*, 71, 330 - 336.

January 22 Models of ethical decision making
Competence to practice: Ethical and legal dimensions

Welfel, 45 - 66

American Psychological Association. (2002). *Ethical principles and code of conduct*. Retrieved from
<http://www.apa.org/ethics/code2002.html>.

January 29 Confidentiality and its limits. Understanding privileged
communication

TEST CASE #1

Welfel, 67 – 104

Costa, L., & Altekruze, M. (1994). Duty-to-warn guidelines for mental health counselors. *Journal of Counseling and Development, 72*, 346 - 350.

Remley, T.P., Jr., Herlihy, B., & Herlihy, S.B. (1997). The U.S. Supreme Court decision in *Jaffee v. Redmond*: Implications for counselors. *Journal of Counseling and Development, 75*, 213 - 218.

Melchert, T.P., & Patterson, M.M. (1999). Duty to warn and interventions with HIV positive clients. *Professional Psychology: Research and Practice, 30*, 180 – 186.

Required for community counseling students:

Glosoff, H.L., Herlihy, B., & Spence, E.B. (2000). Privileged communication in the counselor-client relationship. *Journal of Counseling and Development, 78*, 454 – 462

Required for school counseling students:

Glosoff, H.L., & Pate, R.H. (2002). Privacy and confidentiality in school counseling. *Professional School Counseling, 6*, 20-27.

ADDITIONAL INTERESTING READING – OPTIONAL

Baerger, D.R. (2001). Risk management with the suicidal patient; Lessons from case law. *Professional Psychology: Research and Practice, 32*, 359-366.

Committee on Legal Issues of the American Psychological Association. (1996). Strategies for private practitioners coping with subpoenas or compelled testimony for client records or test data. *Professional Psychology: Research and Practice, 27*, 245 - 251.

Sommers-Flanagan, J., & Sommers-Flanagan, R. (1995). Intake interviewing with suicidal patients: A systematic approach. *Professional Psychology: Research and Practice, 26*, 41 - 47.

February 5

Confidentiality and privilege with minors TEST CASE #2

Welfel, 89-103

Capuzzi, D. (2002). Legal and ethical challenges in counseling suicidal students. *Professional School Counseling, 6*, 36-45.

Gustafson, K.E., & McNamara, J. R. (1987). Confidentiality with minor clients: Issues and guidelines for therapists. *Professional Psychology: Research and Practice, 18*, 503 - 508.

Sullivan, Ramirez, Rae, Razo, & George. (2002). Factors contributing to breaking confidentiality with adolescent clients: A survey of pediatric psychologists. *Professional Psychology: Research and Practice, 33*, 396-401.

February 12 **Ethical issues in reporting abuse and neglect of vulnerable persons**

PORTFOLIO CHECK #1

Committee on Professional Practice and Standards. (1995). Twenty-four questions (and answers) about professional practice in the area of child abuse. *Professional Psychology: Research and Practice, 26*, 377 - 383.

Welfel, E.R., Danzinger, P.R., & Santoro, S. (2000). A primer on elder maltreatment for counselors: Legal and professional responsibilities. *Journal of Counseling and Development, 78*, 284-292.

OPTIONAL

Kalichman, S.C.. (1999). *Mandated reporting of suspected child abuse: Ethics, law and policy*. (2nd ed.). Washington, D.C.: American Psychological Association.

February 19 **Informed consent: Ethical and legal dimensions**
TEST CASE #3

Welfel, 105 - 123

Somberg, D.R., Stone, G.L., & Claiborn, C.D. (1993). Informed consent: Therapists' beliefs and practices. *Professional Psychology: Research and Practice, 24*, 153 - 159.

March 5 **Sexual misconduct**
PORTFOLIO CHECK #2

Welfel, 124 – 152

Anonymous. (1991). Sexual harassment: A female counseling student's experience. *Journal of Counseling and Development, 69*, 502 - 506

Committee on Women in Psychology of the American Psychological Association. (1989). If sex enters into the psychotherapy relationship. *Professional Psychology: Research and Practice, 20*, 112 - 115.

INTERESTING ADDITIONAL READING – OPTIONAL

Bates, C.M., & Brodsky, A.M. (1989). *Sex in the therapy hour: A case of professional incest*. New York: Guilford.

Pope, K.S. (1994). *Sexual involvement with therapists: Patient assessment, subsequent therapy, forensics*. Washington, D.C.: American Psychological Association.

Pope, K.S., Sonne, J.L., & Holroyd, J. (1993). *Sexual feelings in psychotherapy: Explorations for therapists and therapists-in-training*. Washington, D.C.: American Psychological Association.

March 12 **NO CLASS**
SPRING BREAK

March 19 **Non-sexual boundary violations**
TEST CASE #4

Welfel, 153-178

OPTIONAL

Sommers-Flanagan, R., Elliott, D., & Sommers-Flanagan, J. (1998). Exploring the edges: Boundaries and breaks. *Ethics and Behavior*, 8, 37-48.

March 26 **Ethics of testing, assessment, and diagnosis**
Ethics of group and family counseling

Welfel, 179 - 230

Pope, K.S. (1992). Responsibilities in providing psychological test feedback to clients. *Psychological Assessment*, 4, 268- 271.

April 2 **Ethical and legal dimensions of the use of technology**
in counseling

Ethical counseling in a multicultural society
WEB COUNSELING PAPER DUE

Welfel, 231 -245

American Counseling Association. (1999). *Ethical standards for internet on-line counseling*. (Available at www.counseling.org/ethics).

National Board for Certified Counselors (2001). *Guidelines for the ethical practice of web counseling*. (Available at www.nbcc.org/ethics/wcstandards/htm).

Heinlen, K., Welfel, E.R., Richmond, E.N., & Rak, C.F. (In press). Ethical issues in Web counseling: Do practitioners comply with current

standards? *Journal of Counseling and Development* (Scheduled for publication in 2003).

Arrendondo, P.M., Toporek, R., Brown, S.P., Jones, J., Locke, D., Sanchez, J., & Stadler, H. (1996). Operationalization of the multicultural counseling competencies. *Journal of Multicultural Counseling and Development, 24*, 42 - 78.

Pedersen, P.B. (1995). Culture-centered ethical guidelines for counselors. In J.G. Ponterotto et al. (Eds.). *Handbook of multicultural counseling*. (pp. 34 – 49) Thousand Oaks, Ca: Sage.

Sobinski, M.R. (1990). Ethical principles in the counseling of gay and lesbian adolescents: Issues of autonomy, competence and confidentiality. *Professional Psychology: Research and Practice, 21*, 240 – 247.

**April 9
and research**

Ethical and legal dimensions of supervision, teaching

**Ethical and legal dimensions of community counseling
TEST CASE #5**

Welfel, 249 - 282, 302 - 323

Wise, P.S., Lowery, S., & Silverglade, L. (1989). Personal counseling for counselors in training: Guidelines for supervisors. *Counselor Education and Supervision, 28*, 326 - 336.

Appelbaum, P.S. (1993). Legal liability and managed care. *American Psychologist, 48*, 548 – 554.

Danzinger, P.R., & Welfel, E.R. (2001). The impact of managed care on mental health counselors: A survey of perceptions, practices, and compliance with ethical standards. *Journal of Mental Health Counseling, 23*, 137-150.

OPTIONAL RESOURCES FOR COMMUNITY COUNSELORS:

Moline, M.E., Williams, G.T., Austin, K.M. (1998). *Documenting psychotherapy: Essentials for mental health practitioners*. Thousand Oaks, CA: Sage.

April 16

**HIPAA and other legal regulations
CONSUMER BROCHURES DUE**

April 23

**Ethical and legal issues in school counseling
TEST CASE #6**

Welfel, 283 – 301

McFarland, W.P., & Dupuis, M. (2001). The legal duty to protect gay and lesbian students from violence in school. *Professional School Counseling, 4*, 171-179.

Stone, C. (2002). Negligence in academic advising and abortion counseling: Court rulings and implications. *Professional School Counseling, 6*, 28-35.

OPTIONAL READING FOR SCHOOL COUNSELORS

Fischer, L., & Sorenson, G.P. (1996). *School law for counselors, psychologists, and social workers* (3rd ed.). White Plains, NY: Longman.

Hermann, M.A. (2002). A study of legal issues encountered by school counselors and perceptions of their preparedness to respond to legal challenges. *Professional School Counseling, 6*, 12-19.

April 30

**Ethics complaint process
Mock ethics hearing
PORTFOLIO CHECK #3**

Welfel, 349 - 366

Chauvin, J.C., & Remley, T.P., Jr. (1996). Responding to allegations of unethical conduct. *Journal of Counseling and Development, 74*, 563 - 568.

Levenson, J.L. (1986). When a colleague practices unethically: Guidelines for intervention. *Journal of Counseling and Development, 64*, 315 - 317.

Cobia, D.C., & Pipes, R.B. (2002). Mandated supervision: An intervention for disciplined professionals. *Journal of Counseling and Development, 80*, 140-144.

May 7

Final examination

Student responsibilities and assignments

1. Attendance at all class meetings. Please consult the instructor if you know you will be absent from a class because of other responsibilities or illness. No penalty exists for a single absence. Absence from a second class will result in a 3-point deduction from the course grade. A student who is 45 minutes late for a class will be considered absent.
2. Completion of all readings on the date assigned.
3. Participation in large and small group discussions and case analyses.
4. Completion of all test cases and final examination on an open-book open-note basis.
5. Completion of Web search on online counseling.

6. Development of a portfolio of all assignments and self-evaluation of learning

PORTFOLIOS: PURPOSE AND ORGANIZATION

A portfolio is a compilation of all written work for the course along with evaluation comments from the instructor. The purpose of the portfolio is to help you transfer your learning beyond the classroom experience and to assist you to reflect upon your learning in the course. The portfolio may also be useful as you seek employment in the field as you can share the products of your learning in the course with prospective employers.

The portfolio is typically a binder in which all written work can be kept. I encourage students to also keep the portfolio on a disk or CD so that employers who do not wish to keep a copy of a binder may have a disk or CD version to review. I will make a copy of the course syllabus available electronically to any student who wishes to add the syllabus to his or her disk or CD. For the purposes of this course the portfolio will be in hard copy.

Portfolios will be collected and reviewed at three points during the course as indicated on the course schedule.

DETAILED DESCRIPTION OF WRITTEN ASSIGNMENTS

TEST CASES

In each test case you will be asked to apply the concepts from the text, lectures and readings to a hypothetical case that is based on actual cases. Test cases will be completed during the first or last 25 minutes of class and will be in an open-book and open-note format. Graded test cases will be returned at the next class meeting. All test cases are to be kept in your portfolios. Each test case is worth a maximum of 6 points.

The following evaluation criteria will be applied to cases:

- Understanding of how laws and ethical standards apply to the case
- Accurate interpretation of the facts of the case
- Knowledge of the relevant aspects of research and scholarship on the subject
- Capacity to apply standards and material from assigned readings to a specific case
- Ability to express ideas clearly

WEB COUNSELING PAPER

Explore the World Wide Web and find two sites that provide online counseling or online psychotherapy. Review the information provided to prospective clients and explore the site as much as you can without "signing up" as a client. Then write a four page paper (typed, double-spaced, APA style) evaluating the degree to which the professionals providing that service are complying with either the NBCC Guidelines for WebCounseling or the ACA Guidelines for Internet Counseling. Include in your paper the exact Web addresses of the sites you surveyed. Print out basic information from the site and attach it to your paper. Details on APA style will be provided in class.

The following evaluation criteria will be applied to the WebCounseling paper:

- Skill in searching the Web to locate appropriate sites
- Understanding of NBCC and ACA guidelines for Web services
- Ability to apply NBCC and ACA guidelines to specific sites

Capacity to organize and present findings clearly

CONSUMER BROCHURES

Develop 2 consumer brochures from any combination of the following topics.

- ◆ Confidentiality and its limits (school counselors should aim this at students and parents)
- ◆ Informed consent in counseling
- ◆ Dual relationship issues: What consumers need to know about sexual and non-sexual dual relationships
- ◆ Complaint and grievance procedures against counselors in the state of Ohio and through professional organizations

The following evaluation criteria will be applied to the evaluation of the consumer brochures:

- Accuracy of interpretation of the codes and laws
- Ability to summarize complex information in a succinct format
- Ability to use language understandable to clients
- Ability to put information in a user-friendly format clients may find appealing

GRADING CRITERIA

Class participation: Students who fail to attend, participate in class activities and show evidence of completing the readings on time will lose 5 points from their final grade.

Test cases	7 points each totaling 42 points
Paper	20 points
Consumer brochures	10 points each totaling 20 points
Final examination	18 points

A = 93+ A- = 90 – 92 B+ = 86-89 B = 83-85 B- = 80 -82 C = 70 =79 F = 69-

Additional Recommended Readings

Barsky, A.E., & Gould, J.W. (2002). *Clinicians in court: A guide to subpoenas, depositions, testifying and everything else you need to know.* New York, NY: Guilford.

Committee on Legal Issues of the American Psychological Association. (1996). Strategies for private practitioners coping with subpoenas or compelled testimony for client records or test data. *Professional Psychology: Research and Practice, 27*, 245 - 251.

Patten, C., Barnett, T., & Houlihan, D. (1991). Ethics in marital and family therapy: A review of the literature. *Professional Psychology: Research and Practice, 22*, 171 - 175.

Sealander, K.A., Oren, T.A., & Schweibert, V.L. (1999). Confidentiality and the law. *Professional School Counseling, 3*, 122-127.

Swenson, L. C. (1997). *Psychology and law for the helping professions* (2nd ed.). Pacific Grove, CA: Brooks/Cole.