

Ethical Vignette

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Abstract

The video titled, “A Helpful Receptionist” shows a man approaching a receptionist at a counselor’s office. He asks her to leave a message with his wife and she agrees. By agreeing to take this message, I believe that the receptionist violated ethical principles and legal statutes by confirming that the man’s wife was in the office. The ethical principles are detailed in the ACA and FCA codes of ethics as well as in federal and state laws. I feel that the receptionist also violated the key principles for counselors of beneficence and nonmaleficence, by not safeguarding the client’s privacy and confidentiality. If this event were to happen in my office, I would need to quickly review the situation and come up with a competent plan of action to mitigate harm to my client, as well as my practice.

Keywords: American Counselor’s Association (ACA), Florida Counselor’s Association (FCA), beneficence, nonmaleficence, code of ethics, privacy, confidentiality

Identify the Problem

The video that I chose to discuss is titled, “A Helpful Receptionist.” In this video, a man approached the receptionist at a counseling office and told her that he needed to get a message to his wife. Without blinking, she agreed, and he left. Then, when she relayed the message to his wife once she came out of her appointment, the wife got upset, saying that she is in the process of a divorce and now that he obviously knows that she is seeking counseling, she is afraid that he is going to use that against her, saying that she is unstable. The receptionist was obviously trying to be helpful, and I am sure that it never occurred to her that this man may not have told the truth. But it seems that he must have been lying, just to get her to affirm that his wife was, in fact, in the counseling office, without asking outright if she was there. I see the receptionist’s actions as both an ethical and a legal problem.

Applicable ACA Codes

In the beginning of section A of the 2014 ACA Code of Ethics, it states that, “trust is the cornerstone of the counseling relationship, and counselors have the responsibility to respect and safeguard the client’s right to privacy and confidentiality” (2014, Section A. Introduction). It also requires that, “counselors discuss confidential information only in settings in which they can reasonably ensure client privacy, (2014, Section B.3.c). The patient went into her counselor’s office with the expectation that her identity would be held confidential, and the receptionist had the responsibility to hold that confidence.

Applicable State Codes/or Mental Health Laws

The Florida Counseling Association (FCA) defers to the ACA when it comes to moral obligations. On the FCA website, it says that “all members of FCA and its divisions are subject to the ACA Codes of Ethics and Standards of Practice and to comply with the procedures

established by the current FCA Ethics Committee” (FCA, n.d). Thus, in this case, as a counselor in the state of Florida, I would defer to the ACA’s procedural recommendations.

State law in Florida backs up the ACA’s guidance, making it not only an ethical issue, but a legal one. Florida state law, in Section 0147, Chapter 491 of Title XXXII for the Regulation of Professions and Occupations for Clinical, Counseling, and Psychotherapy Services, entitled, “Confidentiality and Privileged Communications,” states that “any communication between any person licensed or certified under this chapter and her or his patient or client is confidential” (Florida Statutes, 2021). This confidentiality can only be waived, “When the patient or client agrees to the waiver, in writing, or, when more than one person in a family is receiving therapy, when each family member agrees to the waiver, in writing” (Florida Statutes, 2021). My understanding of this law is that under no circumstances should a counselor or any employees in the counselor’s office reveal the identity of a client unless it is by order of a court or unless the client has specifically approved of communication with the person(s) addressed. The receptionist has the responsibility to know whom each patient has agreed to provide any information regarding their care, even if it’s simply their identity and that they are seeking treatment.

Nature/Dimensions of the Dilemma

The moral principles that I feel this situation addresses are beneficence and nonmaleficence. Corey, et. al defines beneficence (as cited in Forester-Miller & Davis, 2016) as, “doing good for others and...promoting the well-being of clients. Beneficence implies being proactive and preventing harm when possible” (Corey et al., 2019, p. 17). Because the wife was certain that her husband meant to use the knowledge of her counseling against her in divorce court, revealing that she was, in fact, in the office was not being proactive and preventing harm.

Likewise, nonmaleficence refers to, “avoiding doing harm, which includes refraining from actions that risk hurting clients” (Corey et al., 2019, p. 16). Again, the receptionist’s actions, even though innocent in nature, could definitely cause harm to the client.

Applicable Federal Mental Health or Educational Laws

According to The HIPAA privacy laws, the identity of patients is “known as ‘Individually Identifiable Health Information’. This is any information that can reveal a patient’s identity in respect of the provision of healthcare treatment and healthcare services to the patient,” (HIPAA Journal, 2020, para. 3). The receptionist should not have given any evidence that the man’s wife was in the office at all. She should have simply told him that she couldn’t legally verify if she was there or not.

Potential Course of Action

If I were the counselor in this situation, I would need to try to mitigate damages to my client as quickly as possible. The first course of action would be to contact a trusted fellow professional counselor, to get advice. Forester-Miller and Davis suggest that when trying to determine the best course of action it is a good idea to, “consult with experienced professional counselors and/or supervisors who also abide by the ACA Code of Ethics. As they review with you the information you have gathered, they may help you to see other issues that are relevant or provide a perspective you have not considered. They may also be able to identify aspects of the dilemma that you are not viewing objectively” (Forester-Miller & Davis, 2016, p. 3). I would also try to consult with an attorney, to verify my legal obligations.

I think that it would be a good idea to contact the police, to ensure that my client and her children are safe. If this means that the client should try to get a restraining order, then maybe I would recommend that. I would also speak with my client’s attorney, to assure him/her that just

because my client is seeing a counselor, that does not mean that she is mentally or emotionally unstable. If that means testifying for my client, I would agree to do that. Mitigating damages done and supporting my client would be my priority. Protecting myself, as a counselor, from any lawsuit, would also be something that I would probably need to consider, as well.

After taking the course of actions that I have decided on, I would keep in touch with my client, her attorney, and my own counsel. Forrester-Miller and Davis suggest, “after implementing your course of action, it is good practice to follow up on the situation to assess whether your actions had the anticipated effect and consequences” (Forester-Miller & Davis, 2016, p. 4).

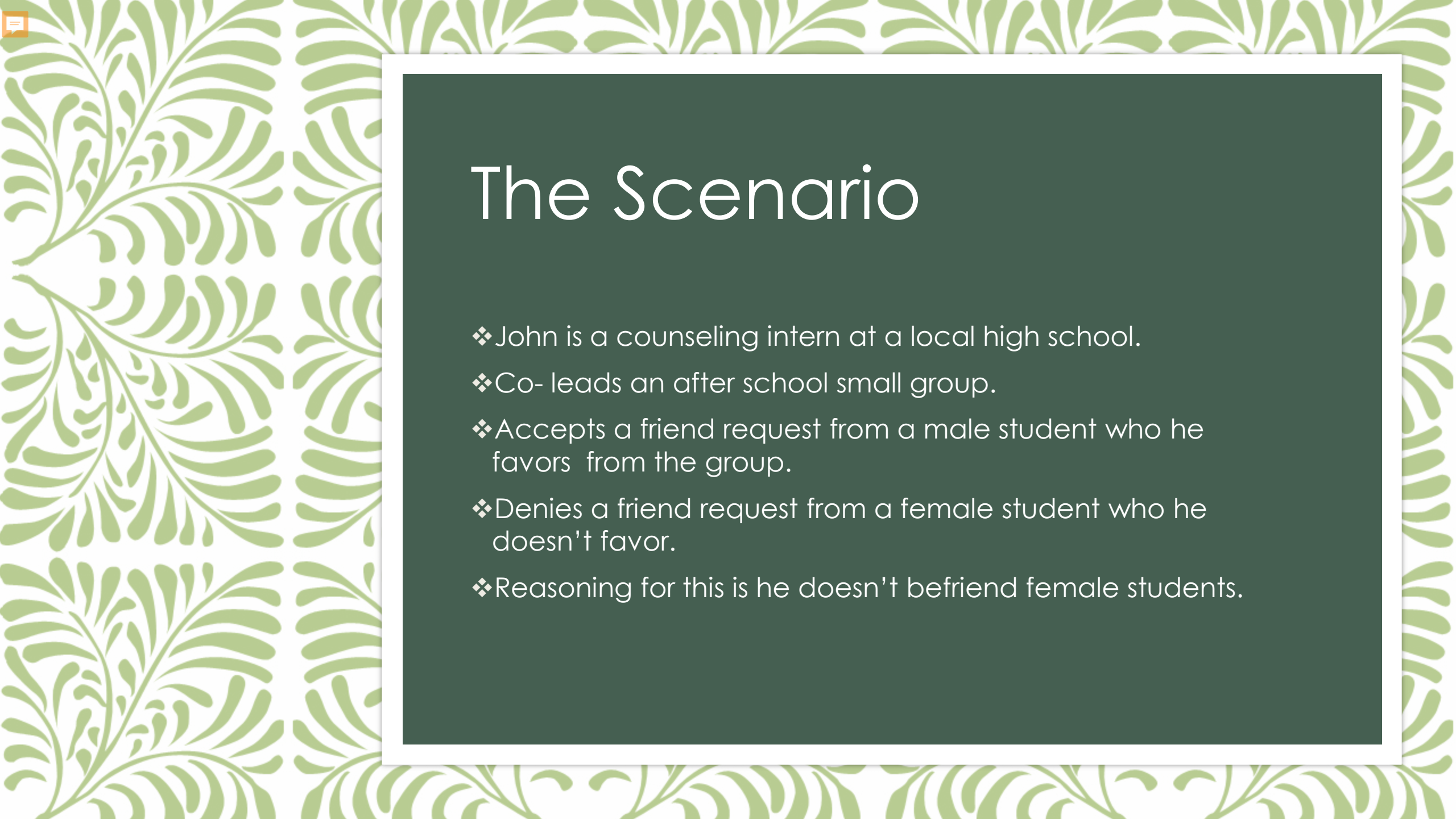
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ETHICAL DECISION- MAKING PROCESS

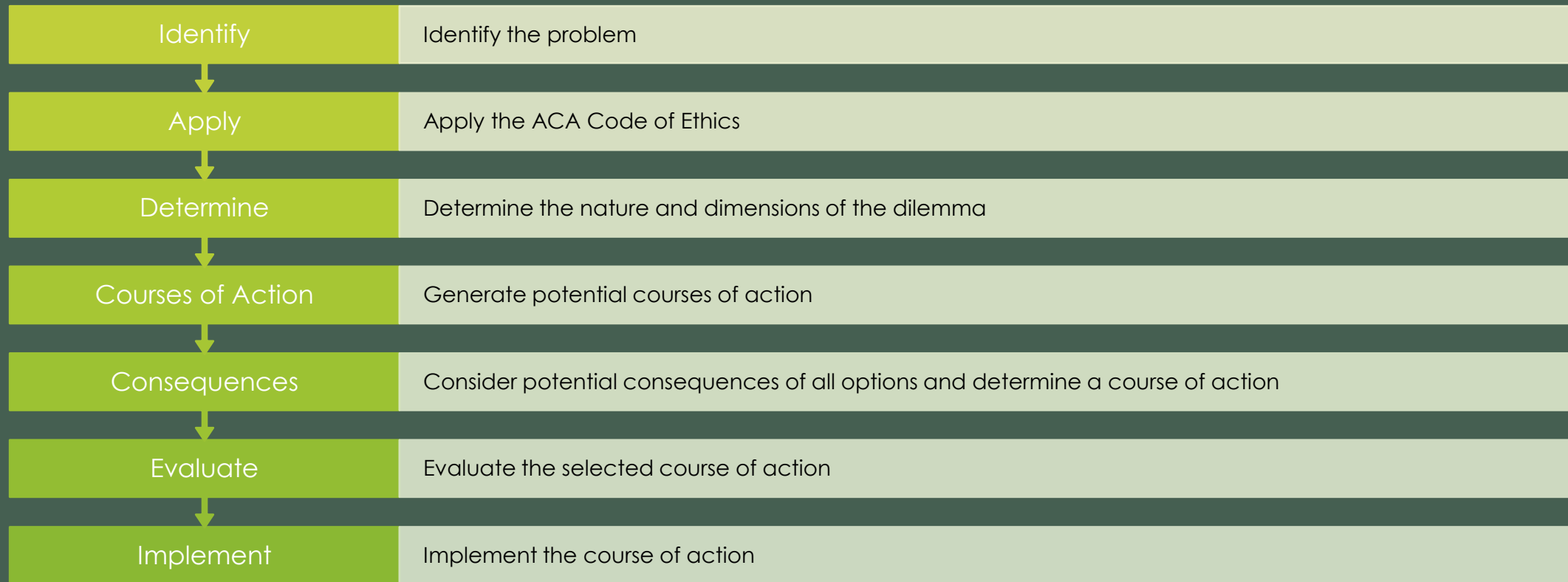
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The background of the slide is a repeating pattern of stylized green leaves and branches on a white background. A dark green rectangular box with a white border is centered on the slide, containing the title and list.

The Scenario

- ❖ John is a counseling intern at a local high school.
- ❖ Co- leads an after school small group.
- ❖ Accepts a friend request from a male student who he favors from the group.
- ❖ Denies a friend request from a female student who he doesn't favor.
- ❖ Reasoning for this is he doesn't befriend female students.

Steps to the Ethical Decision-making process



(Forester-Miller & Davis, 2016, pp. 19-23)



"ETHICAL DECISION MAKING IS A DAILY, ONGOING
PRACTICE FOR SCHOOL COUNSELORS, AND IT INVOLVES
CONSTANT VIGILANCE AND COMMITMENT TO SERVING
THE BEST INTEREST OF THE STUDENT."

(Bodenhorn, 2006, p. 202)

Identify the Problem

- ❖ John is currently providing counseling services to the two students.
- ❖ He should have denied both students, because he shouldn't have a dual relationship.
- ❖ Denies the female student but not the male student.
- ❖ The students still attend the school and are most likely under the age of 18.
- ❖ ACA and ASCA Ethical violations
- ❖ Possible state code violations
- ❖ "Slippery Slope" from boundary crossing to boundary violations

❖ (Corey, et al., 2019)

State Code Ethical Violations

The Florida School Counselor Association and Florida Department of Education defers to the ASCA Ethical Standards for ethical violations.

- In Florida's School Counseling Framework, by the Florida Department of Education, it states that, "ASCA provides Ethical Standards for School Counselors to help counselors meet...legal and ethical challenges" (2010, p. 8).

Likewise, the Florida Counseling Association defers to the ACA Code of Ethics.

- All members of FCA and its divisions are subject to the ACA Codes of Ethics and Standards of Practice and to comply with the procedures established by the current FCA Ethics Committee, (FCA, n.d.).

Apply the ACA Code of Ethics and ASCA Ethical Standards

ACA

- A.5.e personal virtual relationship with clients
- A.6.b Extending Counseling Boundaries
- A.6.e Nonprofessional Interactions or Relationships
- H.6 Social Media

ASCA

- A. responsibility to students
 - A.1.a and A.1.j
- A.5.a Avoiding Dual relationships
- A.5.b Appropriate relationships
- A.5.d Social Media use with students

ACA Code of Ethics (2014)

- ❖ A.5.3 Personal Virtual relationship with current clients
 - ❖ Counselors are prohibited to engage in personal virtual relationships with individuals they are currently providing counseling services to.
- ❖ A.6.b Extending Counseling Boundaries
 - ❖ Consider the risks and benefits of extending boundaries.
 - ❖ Counselors need to take appropriate precautions.
- ❖ A.6.e Nonprofessional Interactions or Relationships
 - ❖ Avoid entering any nonprofessional relationship.
 - ❖ This applies to both in-person and electronic interactions or relationships.
- ❖ H.6 Social Media
 - ❖ Separate professional and private social media pages.
 - ❖ Respecting privacy of clients on their social media unless given consent.

ASCA Ethical Standards (2016)

- ❖ A. responsibility to students
 - ❖ A.1.a. Primary obligation to treat students with dignity and respect.
 - ❖ A.1.j. Maintain appropriate boundaries with students, both in person and electronically.
- ❖ A.5. Avoiding Dual relationships
 - ❖ A.5.a. Avoid dual relationships that might impair their objectivity and increase the risk of harm to students.
 - ❖ A.5. B Appropriate boundaries.
 - ❖ Establish and maintain appropriate professional relationships with students.
 - ❖ A.5.d Social Media use with students.
 - ❖ Do not use personal social media, personal e-mail accounts or personal texts to interact with students unless specifically encouraged and sanctioned by the school district.
 - ❖ Follow professional boundaries and legal, ethical and school district guidelines when using technology with students.

Determine the Nature of the Dilemma

Fidelity

Justice-
befriending
male vs
female

Explanation

- ❖ "FIDELITY means that professionals make realistic commitments and do their best to keep these promises. This entails fulfilling one's responsibilities of trust in a relationship. Fidelity involves loyalty to clients and to making their welfare of primary concern" (Corey et al., 2019 p. 18).
- ❖ "JUSTICE means to be fair by giving equally to others and to treat others justly. Practitioners have a responsibility to provide appropriate services to all clients and to treat clients fairly" (Corey et al., 2019 p. 17).

Potential Courses of Actions and Their Consequences

- ❖ "Unfriend" any students that have already been "friended" on Facebook and determine not to be Facebook friends with any students or clients in the future.
- ❖ Create a "Professional" Facebook page.
- ❖ Change privacy settings on Facebook page.
- ❖ Keep privacy private so that nobody can see other posts.
- ❖ Completely close his personal Facebook page.
 - ❖ **Loss of trust between students that he has already "friended".**
- ❖ "Friend" every student that he works with.
 - ❖ **Every student as a friend violates ethics code and creates dual relationship immediately.**

Potential Courses of Actions and Their Consequences

- ❖ Tell the girl that he prefers not to "friend" her.
 - ❖ **Hurt feelings of a student and loses trust.**
- ❖ Revoking or loss of license/provisional license for limited time.
- ❖ Excused from program.
- ❖ Revoke provisional license to counsel.
 - ❖ **Loss of school accreditation, loss of income, loss of reputation in the community.**
 - ❖ **Not able to use social media and loss of personal expression/freedom.**

Potential Courses of Actions and Their Consequences

- ❖ Group discussion on privacy/relationship ethics and possible ownership from students and potential problem-solving skills to be learned and applied for other situations.
 - ❖ **Discuss boundary issues with students in a group session.**
- ❖ Supervisor require future sessions to discuss ethical issues.
 - ❖ **Written warning will follow as career progresses.**
 - ❖ **Keep updated on topics and solutions discussed in group sessions. Use of technology to encourage more discussion – as long as standards and restrictions are in place.**
 - ❖ **Keep up to date with ethical situations and codes. More time spent with supervisor to discuss potential future violations.**

Eliminated Courses of Action:

- ❖ Completely close his personal Facebook page.
- ❖ "Friend" every student that he works with.
- ❖ Tell the girl that he prefers not to "friend" her.
- ❖ Excused from program.
- ❖ Revoke provisional license to counsel.



"SCHOOL COUNSELORS NEED TO APPLY ETHICAL
STANDARDS AND LEGAL STATUTES
TO THEIR PROFESSIONAL ACTIVITIES IN THE CONTEXT OF
SOCIAL MEDIA."

(Mullen et al., 2014, p. 21)

Review of remaining actions:

- ❖ "Unfriend" any students that have already been "friended" on Facebook and determine not to be Facebook friends with any students or clients in the future.
- ❖ Create a "Professional" Facebook page.
- ❖ Change privacy settings on Facebook page.
- ❖ Supervisor require future sessions to discuss ethical issues.
- ❖ Written or verbal warning from supervisor.
- ❖ Discuss boundary issues with students in a group session.

Evaluate the course of action

Chosen Courses of Action:

Group discussion of ethical codes on privacy, relationships, etc.

"Defriend" all students on social media.

Verbal warning.

Extra time with supervisor – ethical courses/readings - "slippery slope phenomenon".

Implementation

John should...

- ❖ Clean up social media account – remove all students from access to personal account.
- ❖ Set up a professional social media platform with specific guidelines and informed consent rules.
- ❖ Conduct a group discussion of ethical codes on privacy, relationships, etc.
 - ❖ Share/discuss with the group the reasons for making the changes to social media connections.
- ❖ Receive and accept verbal warning from supervisor.

Implementation continued...

- ❖ Meet with supervisor for required number of sessions and allow monitoring of social media activity.
- ❖ "Challenging situations involving social media are happening more often therefore school counselors should seek professional development to learn how to address the challenges" (Gallo et al., 2016).
- ❖ Extra time with supervisor – ethical code review/readings/ "slippery slope phenomenon".

Slippery Slope Phenomenon

- ❖ Once a professional crosses a boundary in one area of counseling the potential to cross a more serious boundary is higher. The behaviors over time could develop into boundary violations and cost the counselor their trust among the public and possibly lose their job or licensure.
- ❖ Communication with his supervisor and setting safe-guards in place to protect his boundaries is necessary at this point in his training to keep John from going down the "slippery slope" towards violations related to multiple roles and relationships with his clients in the future.

(Corey, et al., 2019)

Potential Follow ups

- ❖ The site supervisor monitors the counselor in trainings social media to ensure it remains within the best practices.
- ❖ Supervisor discusses it with the students to ensure they don't have any feelings of abandonment or harm done.
- ❖ Best practices for setting appropriate boundaries when using social media (Kaplan et al., 2011).
- ❖ Create separate professional and private social media pages.
- ❖ Use your professional name for one and a not the other to create a distinction between the two social media accounts.
- ❖ Provide a written policy if you want to use instant messaging to communicate with clients.
- ❖ Avoid searching for clients on social media sites.
- ❖ Determine if the school you work for has any policies against using social media and don't violate their rules.

Conclusion

- ❖ John violated multiple ACA, ASCA and state standards by friending students on social media
- ❖ The nature of the ethical dilemma was fidelity and justice
- ❖ John should "unfriend" any students, hold a group session about appropriate boundaries, and meet with his supervisor to continue professional development and training
- ❖ John will need to be monitored to ensure he continues appropriate boundaries with students

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