

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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