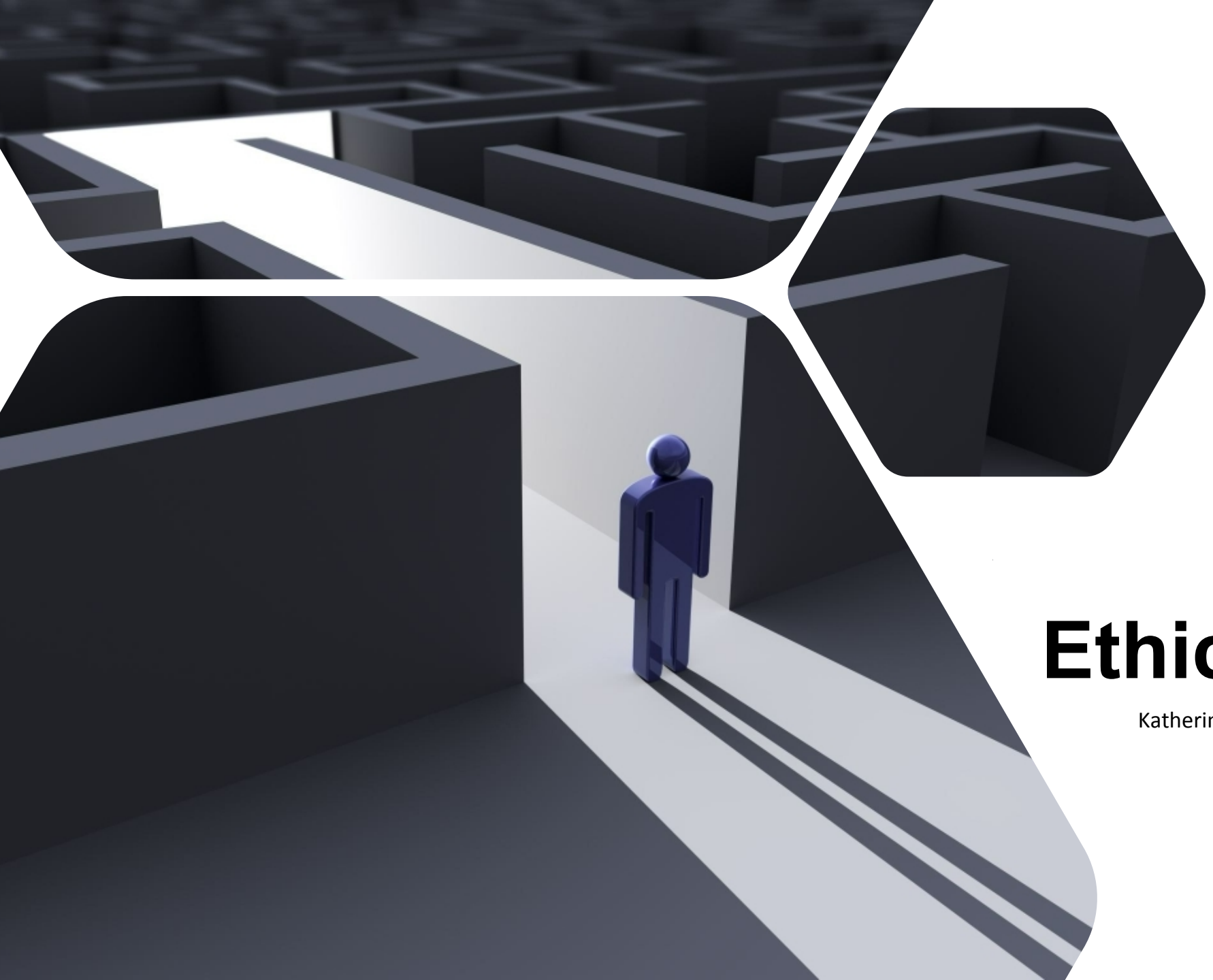

Ethical Dilemma

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Ethical Dilemma

"Jane is a hardworking, licensed professional counselor who has a very successful private practice. Jane has not had a vacation in over a year. She is feeling the stress and burnout and knows she needs to do something quickly for her own mental health. Thus, she decides to go on vacation for a week. She quickly makes the arrangements and then emails all of her clients with whom she has appointments during the week of vacation, informing them of the need to cancel. She fails to let her other clients know she will be gone; since none of her clients are in crisis, she decides to not worry about getting someone to cover her clients while she is gone" (2022).

Step 1: Identify the Problem

- Burnout
  - Overworking
    - Jane worked for a year straight with no time off.
  - Personal crisis
    - Lack of time regulation may result in counselor impairment and client negligence.
- Improper communication
  - Failure to communicate properly with clients who did not have appointments currently scheduled.

Step 1: Identify the Problem

- Lack of care due to abandonment
  - Clients should have been placed under the care of another counselor during her absence (ACA, 2014).
- Potential opening to a malpractice lawsuit
  - Due to the means of abandonment, Jane left her clients exposed to potential harm (ACA, 2014).

Step 2: Apply ACA & State Codes

- **ACA code A.1.a**
- **ACA code A.12**
- **ACA code C.1**
- **ACA code I.1.a**

Commonwealth of Virginia Regulations

- **18VAC115-20-130.A**
- **18VAC115-20-130.B.1**
- **18VAC115-20-130.B.6**

Step 3: Nature & Dimensions

- Beneficence
- Nonmaleficence
- Fidelity
- Consultations:
  - Lawyer in Jane's jurisdiction
  - Jane's Liability Insurance provider
  - The ACA Ethics Consultation Service

Some counselors hold an extensive belief about what a good outcome is, while others do not. Some may have what they consider ideal for one circumstance verses what is ideal in general, and, what some say or consider boon others consider bane.

The ACA moral principle that the counselor failed to apply was the principle of Fidelity and Nonmaleficence.

- **Fidelity is loyalty, honor the commitment you make. Trust must be of valued; no obligation must be unfilled (Forester-Miller, & Davis, 2016). The counselor only informed one set of clients about her vacation; however, the counselor is aware that her code of ethics mandates that ALL clients be made aware. The counselor promised ALL clients that everyone's welfare would be a priority. Clients trusted the counselor hence went into a counselor client relationship. All clients believe and trust that their counselor would work in his or her best interest. The counselor did not plan for**

- **Nonmaleficence is not causing harm. The counselor should not be causing harm intentionally. The counselor must take care to be always available for the client. Must communication, failure to give information or communicate can cause harm (Silva, Mary Cipriano and Ludwick, Ruth, July 2, 1999). Even a failure to answer a phone call from a patient can cause harm and go against moral principle for your profession (Silva, Mary Cipriano and Ludwick, Ruth, July 2, 1999). Going on a vacation needs to be communicated to ALL CLIENTS!**

Nonmaleficence

- Cause No Harm
- The counselor should not be causing harm intentionally.
- Always Be Available
- Client Comes First
- Failure to Give Information
- Must Communication,
- Going on a vacation needs to be communicated to
- ALL CLIENTS MUST KNOW

Fidelity

- Loyalty
- Commitment
- Trust
- Truthful
- Valued
- obligation
- Promise
- Abandon
- Best interest

Step 4: Potential Courses of Action

There are many different potential courses of action.

Potential Courses of Action

- Plan regular time restful time off –impairment
- Overworked- no time to call all clients - burnout/ tired
- Carefully Read and Keep Handy the ACA Code of Ethics on hand- New counselor maybe
- Keep Professional Counselors contact list updated who clients will see in her absence –couldn't find a replacement for the others
- Take Special Care to Notify All Clients about vacation etc. keep up to date patient files phone numbers. Did she know their numbers
- Consult with colleagues what do they do before a vacation

Step 5a: Potential Consequences of Each Action

- By taking regular time off, there is a high risk that a crisis may occur while the counselor is off the clock.
- Providing another counselor to step in during the regular counselors leave of absence may result in abandonment by the client.
- There is a risk of counselor abandonment after experiencing relief during a client crisis.

Step 5a: Potential Consequences of Each Action

- Having a lengthy list of counselors for the client to choose from may be overwhelming and result in the client unable to call one during their time of crisis.
- Advice given from other counselors regarding vacation time may provide harmful outcomes.

Step 5b: Action Chosen

Jane will see a counselor that is set up for her to meet with so that she can get the help she needs to work through her burnout. Jane will also be told to take some time off due to impairment.

Step 6: Evaluate Course of Action

- I think the decisions that we made are ethically sound. Jane needs a break and to speak to someone about her burnout. If she follows these steps, she is more likely to perform better in the future.

Test of Justice

Would you treat your clients in the same way?

I would make sure all of my clients were made aware of my vacation, so that in case of an emergency they knew what to do.

Test of Publicity

Would you want this in the press?

No as a counselor, I would be very embarrassed if this was in the news that I did this to my clients.

- **Test of Universality**

If another counselor was in the same situation, then I would still use the same course of action. It takes care of everything that she did ethically wrong.

Step 7: Implementation

1

1. Talk to Jane about talking to someone about her burnout

2

2. Reach out to a counselor that can help Jane

3

3. Tell Jane that she has to take time off from work to have a mental break

4

4. Set up counseling appointments for Jane with someone that can verify her coming

Summary

Counselors need to make sure they are always making decisions that are sound, ethical, and in best practice for all clients!

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