

Benchmark Ethical Vignette Paper

Tracey E. Allen-McMasters

School of Behavioral Sciences, Liberty University

Author Note

Tracey E. Allen-McMasters

I have no known conflict of interest to disclose.

Correspondence concerning this article should be addressed to Tracey E. Allen-McMasters

Email: teallenmcmasters@liberty.edu

Abstract

This paper's purpose is to better understand the importance of confidentiality and how easy it can be broken. The ACA Code of Ethics points out the significance of protecting client's confidentiality for their well-being, as well as the integrity of the counseling organization. This paper will review a video titled, "The Helpful Receptionist". In the video the receptionist breaches confidentiality of a client. The problem with the video will be identified, ACA Codes will be explored, mental health laws will be examined, nature of dilemma will be discussed, and the potential course of action will be recommended.

Video Summary and Facts

The video assigned for this assignment showed a man by the name of John Jones come up to a receptionist and ask her if he was at the Metropolitan Counseling Center. The receptionist acknowledges that Mr. Jones was at the Metropolitan Counseling Center. Mr. Jones then proceeds to tell the receptionist that his wife was there for counseling and she needed to pick the children up from soccer practice later that day because he had to leave to catch a flight for his job. The wife which is a client comes up to the same receptionist and the husband's message was delivered. The wife proceeds to tell the receptionist that she did not want her husband to know she was at the facility for counseling because they are in the middle of a divorce. The wife stated that her husband has been threatening and accusing her of being unstable and unfit when they start discussing about custody of children. The wife indicated that she was scared that her husband would use counseling against her. From this video, there were a few facts to point out. The receptionist acknowledged to the husband that his wife was a client. The second fact was the receptionist agreed to deliver a message to a client. The third fact was the wife did not want her husband to know about her going to counseling.

Problem Identification

Confidentiality which is the main problem of this video scenario was broken when receptionist disclosed to John Jones that his wife was a client at Metropolitan Counseling. By the receptionist agreeing to give Mr. Jones' wife a message, Mr. Jones now knows that his wife is present at the facility. Due to confidentiality being broken, the client is now scared of the

percussions of what may happen from her husband. Confidentiality not only includes what is discussed in therapy, but also the fact that a client is in therapy. Disclosing any information without proper consents or exceptions to confidentiality, is an infringement of a client's rights (Darby & Weinstock, 2018). The ACA Code of Ethics, ASCA Ethical Standards for School Counseling, and the North Carolina Board of Counselors all discuss confidentiality. The problem with breaking confidentiality in the video presents ethical, legal, professional, and clinical problems.

ACA Code of Ethics and ASCA Ethical Standards for School Counselors

At the beginning of the counseling process, it is the counselor's responsibility to provide and review informed consent documentations with their client's. The purpose is for clients to have be informed about the counseling procedures is so the client can be informed and make decisions about their counseling process. Within these forms, confidentiality is discussed. ACA Code of Ethics Section B.1 discusses respecting the client's rights. Codes B.1.C and B.1.d. discuss the significance for confidentiality and explanations of those limitations pertaining to confidentiality. A.2. in the ASCA Ethical Standards for School Counselors also discusses the importance of confidentiality and exceptions to confidentiality when working with students. In the video, whether it was done purposely or by mistake, the receptionist gave information to an unauthorized person. The reception did not protect the client's confidentiality which causes an ethical dilemma and problem. When confidentiality is breached, it can negatively impact the client-counselor relationship, progress that has been made in counseling, and cause trust issues.

When confidentiality is compromised or broken, it then can present a legal matter. A counselor may be removed from their ACA membership if they violate an ethical code, however

if a counselor commits an offense, they can be fined and/ or put in jail (Martz and Kaplan, 2014). Breaking confidentiality can also lead to legal issues such as a client suing for emotional and financial damage for disclosing their information (Varoskovic, 2019). In the video the counselor does not break confidentiality, however the receptionist breaks confidentiality while working and representing Metropolitan Counseling. The client can pursue legal action if she chooses for the breach of confidentiality. She can also choose to sue the practice of the individual who broke the confidentiality agreement, which in this case would be the receptionist (Tilford, Dobbins, & Schmidt, 2020).

The video also presents a professional violation because the receptionist was not professional for breaking confidentiality. The receptionist's lack of professionalism could be for various reasons such as lack of training and the understanding of confidentiality. Receptionists play an important role in confidentiality because they interact with all clients whether in person or by phone. It is important for receptionists to get the necessary tools to be able to do their job effectively and efficiently.

Last, the video displayed a clinical problem. In the video the client did not want her husband to know her whereabouts and especially her going to counseling. The client was afraid that her husband would use counseling against their divorce and custody of children. The client appeared to be a little uneasy that her husband had found out where she was. Because confidentiality was broken it presents issues that are now the clinical's problems. Section B.3.a discusses sharing information with others and suggest that counselors should make every attempt to protect the confidentiality and privacy of clients. The ASCA Ethical Standards for Counselors, section E, shares helpful information and tools about maintenance of standards when there may be ethical concern with a co-worker (American Counseling Association, 2014). Metropolitan

Counseling must work together to fix the problem to improve the confidentiality process and to gain the trust back from the client. Section D of the ACA Code of Ethics suggest that the quality of services provided to clients can be greatly influenced by the quality of interactions between counselors and co-workers. When counselors establish positive working relationships and communication with co-workers it can improve services to clients (American Counseling Association, 2014).

North Carolina State Codes/ or Mental Health Laws

Code 21. NCAC 53.0102 of The North Carolina Board of Counselors, highlights professional ethics and states that the board has adopted the American Counseling Association Code of Ethics which was discussed earlier (North Carolina Board of Licensed Clinical Mental Counselors, 2022). It is important for counselors to know and understand the laws, standards, and codes that they will be practicing in. Counselors need to know their responsibilities as well as rights. The ACA Code of Ethics is a tool and resource used for counselors in various states and it is vital that counselors familiarize and learn the important information.

Nature/ Dimensions of the Dilemma

Clients have the right to privacy and confidentiality, which is the foundation of competent therapy and the duty of a counselor to safeguard the information of a client (Corey, Corey, & Corey, 2019). Confidentiality is not only important in the private practice but also important in the school counseling setting. Confidentiality can be a difficult responsibility for a counselor because it involves both ethical and legal ramifications (Corey, Corey, & Corey 2019). In the video, when the receptionist broke confidentiality not only was an ethical code violated but also moral principles of counseling were violated. The main obligation of a counselor is to respect their clients and provide a safe place for them (American Counseling Association, 2014). When

the client felt unsafe because her husband found out where she was the moral concepts of beneficence, nonmaleficence, and fidelity were compromised. Beneficence promotes the well-being of a client and in the video the client felt worried and unsafe that her husband found out she was engaging in counseling services. When the receptionist broke confidentiality, it now presents the possibility of a risk of the client being hurt emotionally, mentally, physically, and legally. The moral principle of nonmaleficence suggests that one should avoid doing harm which involves actions that can potentially present a risk for hurting a client. The actions of the receptionist violate nonmaleficence. When professionals do not honor their commitments or try their best to keep those commitments, fidelity has been broken. Unfortunately, due to the mistake of the receptionist, it falls on the facility of Metropolitan Counseling. The organization did not keep their commitment of building a trusting relationship and the responsibilities of the counseling process. It is always important to strive to honor ethical and moral principles for the safety of both the client and the counselor even when it can be challenging.

Federal Mental Health Laws

The Health Insurance Portability and Accountability Act known as HIPAA is one of the federal mental health laws that could be addressed in the video discussion. HIPAA was passed in 1996 to help with the health care industry in promoting standardization and efficiency. HIPAA protects privacy rights for individuals regarding mental and health information from being disclosed without their permission. In the video the client was worried about her husband knowing she was attending counseling; therefore, one can assume she did not give her husband consent or permission to know about her mental and health information. Confidentiality was broken when the receptionist shared information about a client to an unauthorized person.

which is a violation of HIPPA.

Potential Course of Action

In the video scenario, it appeared to me the receptionist did not realize that she had broken confidentiality. Sometimes individuals can seem like they are on the up and up but in reality, they are trying to get information when they are not authorized to do so. I believe the best course of action in this scenario is to provide in depth training on confidentiality and to make sure anyone working in a counseling facility understand the ACA Code of Ethics and the laws in their state dealing with confidentiality.

Conclusion

Confidentiality is an essential part of counseling. Clients feel safer sharing information when they can trust their counselor to keep their information safe. In the video for this paper, it showed how easy it was to break confidentiality and the repercussions of breaking confidentiality. It is important for all employees to be trained extensively on confidentiality and to know the risks and consequences of breaking confidentiality.

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