

APPENDIX F

Comprehensive Exam

Ethical and Legal Issues in Counseling-Review

Ethical Codes

Know the purposes of ethical codes. What do they do? Whom are they designed to protect?

Know the difference between **ethics**, **values**, and **morality**. Know the definition for each of the terms. Know some words associated with morality. Remember that it is possible to demonstrate unprofessionalism and still not act unethically (for example, not returning clients' phone calls right away).

Remember that all of your decisions must be in the best interest of the client. We are ethically expected to "do no harm." If a counselor doesn't know for sure the correct course of action regarding an ethical issue, and he/she has carefully examined the statutes and codes, and has also consulted with other respected counselors, but the counselor still isn't sure what the right approach is for that client, that counselor should then *use their best professional judgment and act in a way that results in the least amount of harm*. You must do your research first, and if you find conflicting advice, use your best professional judgment in such a way that best protects the client.

Know what is the purpose of the counseling profession having a standard of care?

What is the difference between **principle ethics** and **virtue ethics**?

Counselors have a responsibility to become both familiar with both ethical codes and the law (the legal system), and with those operating within the legal system, such as lawyers, judges, etc. Should counselors also become knowledgeable regarding those elements that are common to the law and to our field, mental health?

Remember that the law is typically supportive of professional codes of ethics. It also strives to be neutral in regard to the codes and to counseling in general.

Malpractice

Know the conditions for malpractice.

What are some common forms of unethical behaviors in counseling? Know those things that we should not do!

What is a **causal relationship**? Is it necessary for malpractice?

Know the difference between civil and criminal liability. Be able to define each one.

Remember that a legal wrong can be unintentional, as well as direct/intentional. It can be against someone's property. It can also be against a person/client.

Remember that the rights of a client are the most important thing to consider! If we, for example, place our employer's concerns above the rights of the client, we may cause harm to the client and face possible litigation!

Abuse/Neglect

When counseling individuals or families, if a counselor has reason to suspect physical/sexual abuse or neglect, that counselor:

- Does not have to prove the abuse/neglect. You must only have reason to suspect that the abuse/neglect has occurred.
- Must report to the appropriate agency (such as Child Protective Services) **immediately**. The law gives you only 48 hours.
- Report! No matter how long in the past sexual abuse occurred with a minor (and even if they claim it is no longer occurring), if you learn of it as you counsel a family, you must still make the report within 48 hours.
- Report! If counseling a family who denies child abuse, but you see that a child in the family appears abused, you must still report to CPS. You must tell them that you are reporting, and you offer to continue counseling the family. Remember that to terminate the family at this time could constitute abandonment.
- Provide assistance! If counseling an adult woman who is being abused by her husband, it is important, first, to address the client's safety. The counselor should offer to assist the client by helping her utilize such legal means as a restraining order, etc. to protect her from further abuse by the spouse.

Record-keeping

If a client moves to another city and wants copies of his records, remember that the client does, indeed, have rights to receive records. However, you do not have to release your progress notes; you may, instead provide a treatment summary. If that client requests copies of records for his new counselor, remember that the client **must first sign an authorization for release** in order for you to send the records to the new therapist. You must not send any records to another entity (such as a physician, counselor, psychiatrist, school, etc.) without a release!

Know what items are required to be included in a client's record. You must keep the consent for treatment and assessment; case notes and copies of correspondence; and identifying information. Note that business records must be kept, but not in the client's records. The LPC Code of Ethics states the following: For each client, a licensee shall keep accurate records of the intake assessment, the dates of counseling treatment intervention, principal treatment methods, progress or case notes, treatment plan, and billing information.

Note the difference in the language between billing information and business records. Billing information is how much the client will be paying per session, etc., and business records include dates and amounts of client payment (or insurance reimbursement, etc.).

Confidentiality

If you are working as a school counselor, and you find out that your client's friend is engaging in bullying other students in the restrooms, you must remind the client of informed consent and the limits of confidentiality and *report this to the school principal*. There is harm to others in this scenario, and that enables you to break confidentiality in order to address the harm. In your first visit with this student/client, you should have explained informed consent and the limits of confidentiality. We address these limits will all of our clients, including minors!

If you are working as a school counselor and you learn that, for example, a 15 year old client tells you she is pregnant, but she doesn't want you to tell her parents, you must still inform the parents. You have a legal responsibility to the parents. This is a minor client. Note: you should offer to be present when the girl tells her parents, but you must make sure they know. Why? Is there potential harm to the client? Also, you should investigate the possibility of sexual abuse (remember that this is a child in the eyes of the law. How old is the father of the baby?).

Know how to deal with confidentiality in public. For example, you run into a client at a social function. What do you do? Wait until the client approaches you! He/she always makes the first move. If he does approach you, then you should greet that person as you would any other. If that client does not approach you, you do not approach them. Remember that you should never discuss in anyone's hearing that this person is your

client! Treat them, instead, as an acquaintance! If the client chooses to tell others that she/he is your client, that is their choice, but do not discuss any treatment concerns in public! **Note: Counselors do not engage in multiple/dual relationships. We do not purposefully engage in social functions with our clients. In other words, we don't go to restaurants or movies with them. They are not friends; rather, they are clients!**

Is there such a thing as "absolute confidentiality?" If not, what are the exceptions? Know the **limits of confidentiality**. Be able to list them. What do we mean by confidentiality? What kind of a relationship is the basis of confidentiality? Why is it necessary to form trust with the client?

Who Is the Client?

If a counselor is providing marriage counseling to a couple, and the husband tells the counselor on the telephone that he is planning to file for divorce, but he doesn't want the counselor to tell his wife, the counselor *must still inform the wife*. The reason is that when you are providing family/couple counseling, *both the husband and the wife are your clients*, so you cannot ethically maintain that confidentiality.

In a situation in which you are individually counseling a husband, and the wife, who initially did not want to engage in marriage counseling, changes her mind. Now she wants to have you provide marriage counseling for them. What should you do? Do you agree to continue individual counseling with the husband, and also provide marriage counseling with both the husband and with her (the wife)? You should continue individual counseling with the husband, but you should not begin marriage counseling with both of them. You already have an established counseling relationship with the husband, and in marriage counseling, both will be your clients. There would be potential problems from the beginning, so you *must refer the two of them to another counselor for marriage counseling*. You may continue to see the husband individually. The marriage counselor should be informed by the husband that he is seeing you individually.

Assessments in Counseling-Review

-Review components discussed within "Assessment in Counseling"

- What Is Assessment
- Do Counselors Need to Know About Assessment?
- Assessment Is Integral to Counseling
- Assessment Can Be Therapeutic
- What Do Counselors Need to Know About Assessment?

-Review components discussed within "Basic Assessment Principles"

- Measurement Scales
- Norm-References and Criterion-References Instruments
- Interpreting Norm-Reference Instruments
 - Evaluating the Norming Group

-Reliability

- Classical Test Theory
- Reliability and Unsystematic Error
- Correlation Coefficients
- Types of Reliability
- Evaluating Reliability Coefficients

-Validity

-Qualifications needed for administration of assessments

-Responsibilities of an assessment administrator

-Ethical and Legal issues in Assessment

Counseling in a Multicultural Society-Review

-Review components discussed within "Introduction to Diversity

-Use of social influence in counseling diverse clients

-Strong's Social Influence Theory

-recognizing cultural bias

-Deficit Hypothesis

-Appreciating divergent worldviews

-Recognizing your prejudices

-Ethnicity models

-Achieving multicultural competence

-Latin Americans

-Ruiz's Acculturation Model

-Native Americans

-European Americans

-Women and Feminism

-WIM

-Men and the Men's Movement

Advanced Human Growth and Development- Review

-Arnold Gesell's work

-Basic developmental vocabulary

-Developmental domains

-Ecology and context

-Gerald Patterson and delinquency

-Erickson stages of Psychosocial development (crises)

-Freud's psychosexual stages of development

-Piagetian theory of development

-Development of individual differences

-Sensitive periods

-Critical periods

-Goals of lifespan theory

Group Process in Guidance and Counseling

- Jacob Moreno
- group counseling and group guidance
- self-help support groups
- stages of groups
- group co-leaders
- beginning a group
- group leadership skills
- norming and storming
- cohesiveness and/or lack of
- steps in the forming stage
- tasks of the beginning group
- group dynamics and group process
- group stages (general understanding)
- group collusion
- self-disclosure

Counseling Theories Review

- Freud's theory and origins
- Different theoretical camps and which theories are related
- Adlerian theory, theorists, vocabulary, methods
- REBT theory philosophy and techniques
- Reality therapy focus
- Person-centered theory, theorists, philosophy, goals
- Existential theory, theorists, philosophy, goals
- Beck and cognitive theory techniques
- Gestalt techniques
- Feminist therapy themes
- Solution-focused therapy techniques

-Behavior Therapy and Behavior theory goals

-Family Therapy