Ethical Wellness: Addressing Issues of Ethics & Self-Care for Counselors

Presented by: Candice R Dickens, LCPC, LCADC
The Counselors Journey
Once Upon a Time….

Brooklyn, New York

Red Hook
The Beginning…

Everette Richardson

Beatrice Wilson
Candi....
A Wounded Healer is Born
Healer & Right Fighter Emerge

Chiron

Right Fighter

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Professional Ethics
Objectives

Attendees will learn Ethical Codes for Counselors

Attendees will apply ethical code to real case scenarios
Why are professional ethics important?
Purpose of Ethics

- Identifies core values on which behavioral mission is based on
- Reflects the MH professions core values, standards, principles
- Creates standards especially when professional obligations conflict
- Creates a system of accountability for the client and professional
How do ethical problems occur?

- People are human and make mistakes
- Clients misreport
- Inexperience
- Ignorance
- Loss of objectivity
- Burn out & self neglect
How do ethical problems occur

- Dual relationships
- Values conflicts (personal, spiritual, legal) conflict with personal standard
- Playing the hero “rescuer”
- Vicarious trauma
- Poor team work
- Lack of Professional Support
Question:

- If you saw another clinician doing something that appeared unethical, would you know how to respond?
Clinician Eternal-Internal Conflict

Personal Ethics
- Morality versus Loyalty
- Compassion vs Judgement
- Understanding vs criticism

Healer Ethics
- Righteousness vs Promise to do no harm
- I am my Brothers Keeper
- I am my Brother
What is the Boards of Professional Counselors Role?

• A. To give the clinician a platform to be heard and protected from false claims
• B. To empower clients to identify clinicians who violate boundaries and HIPAA
• C. To protect the public from harm
• D. To serve as a mediator for disputes between clients and clinicians
Correct Answer

To protect the Public from harm
Judiciary Process

Initial Phase
- A Complaint is reported
- Board reviews complaint
- Assigned to an Investigator
- A. Clinician Interviewed
- B. Victim & Witnesses Interviewed

Middle & End Phase
- Referred to Attorney General for Charges
- Clinician contacted via mail
- Hearing Scheduled
- Decision Voted on By Full Board or Several Members
10.58.0311 Sanctions

- **Summary Suspensions**: Immediately suspend ability to practice.
  - Time limited
  - Conditional (i.e., mandatory ethics class, supervision, treatment, assessment)

- **Revoke /Surrender of License**: Permanently remove license
  - Revoke
  - Surrender

- **Penalize**: Access a penalty in relation to the infraction

- **Refer for charges to State Attorneys Office**
10.58.03.11.11 Sanctions

- A section constitutes the minimum disciplinary measure and does not preclude the board from imposing additional penalties as it considers appropriate to an individual case.
- The board shall advise professional associations and the National Practitioner Data Bank of any formal reprimand, suspension or revocation of a license or certificate on the grounds of sexual misconduct.
10.58.03.03 Professional Competence
Scenario 1

• Last week Jennifer M, LCPC watched Iyanla Vanzant Fix My Life and observed her using the EFT tapping technique. She was so impressed that she decided to YouTube the technique and bought a book on it. She began using it with her clients in order to help regulate her clients emotions.

• Is this ethical?
2-Day Interactive Workshop: EMDR: Effectively Treat Trauma and Move Clients Forward

Join me in this comprehensive course, and I'll walk you through the through the steps, from client stabilization and EMDR readiness, all the way through to client demos of processing traumatic memories. And everything in between. You will be able to use this technique with your clients immediately after you complete this course and get amazing results!
Scenario 3

- Jennifer is part of a thriving private practice with three other clinicians. Recently the clinicians have noticed that she has bouts of tearfulness, is easily agitated, and often no shows to many of her appointments. Recently she contacted one of her clinical partners and informed them that she voluntarily admitted herself to Shephard Enoch Pratt Hospital dual diagnosed program over the weekend and was discharged on Monday with an appointment to follow up with a psychiatrist. On Tuesday she returned to work and managed to counsel all of her clients.

- Is there an ethical dilemma in this scenario?
Scenario 4

• JACHO is visiting the clinic and HR is asking for proof of licenses being renewed and proof of the continuing education hours for clinicians. Suzanne Summers is able to provide proof of her renewal license but is not able to show certificates of attendance to verify attendance at ceu workshops.

• What would you do if you were the supervisor?
10.58.03.03 Professional Competence

- Licensees limit practice to the areas in which the licensee has gained proficiency through education, training, and experience.
- Acquire specialized education and training in order to provide the client with services that are culturally relevant.
- Practice within the boundaries of a counselor's competence based on education, training, supervised experience, and professional credentials.
- Seeks out consultation when developing competence in a new area.
- Maintain qualifications to renew license.
10.58.03.03 Professional Competence

• An impaired counselor shall:

• A. suspend, terminate or limit professional activities if the counselor determines that he or she is unable to provide continue professional activities or

• B. See competent professional assistance to determine whether to suspend, terminate or limit the scope of professional or scientific activities if a counselor becomes or is made aware that personal problems interfere with providing or conducting counseling or therapy service
10.58.03.04 Ethical Responsibility
Scenario 1

Bob Denver, LCADC, LCPC has a thriving private practice and recently expanded to include 2 certified addiction specialist, 3 LGSW’s, and 2 LGPC’s. The new employees facilitate his substance abuse groups, and provide in home services to the PRP teenage clients receiving medical assistance. Recently a client complained to the board because they billed her for dates under the wrong clinician. Her therapist was Barbara Bush but all the claims say Bob Denver.

Is there an ethical dilemma here or can everyone bill under Bob’s license?
Scenario 2

• In 2003 Robert Redford was practicing as a License Graduate Professional Counselor in Florida. He was suspended by Board of Professional Counselors in Florida for a period of 1 year with conditions. He never met the conditions of his suspension because shortly after he was suspended he decided to move to Maryland to pursue a PhD in Counseling Psychology at Loyola University. Five years later he was awarded his PhD and applied for his license as a Licensed Clinical Professional Counselor in the state of Maryland.

• Is he obligated to notify the board of his past LGPC?
Scenario 3

• Katy Perry, LCPC has a dual license in Washington DC, and Maryland. 1 year ago her Washington D.C. license was temporarily suspended due to failure to maintain records. She has since then been reinstated with full privileges as a clinician in D.C. but no longer practices in the district. She practices exclusively in Maryland.

• Does she have to report the suspension to Maryland?
Scenario 3

- Sharon Osbourne LCPC, LMFT received an irate call from the parent of an adolescent client that she has been treating for 2 months. The patient claims to be the custodial parent and is angry that the clinician has been treating the patient without her consent. She accuses the clinician of retraumatizing her child and threatens to report her to the board. Distraught the clinician calls her former college professor Dr. Barak Obama, EdD, and explains the details of the case and the events that led to her being threatened by clients mother.

- Is her behavior ethical?
Scenario 5

• 3 clinicians share an office suite. 2 of the office suite mates notice that the clinician has been experiencing mood swings, seems easily agitated, is neglecting her appearance, has overheard her expressing her inability to sleep for days, and has been cancelling her appointments with her clients because she has been struggling to get out of the bed each morning.

• What is their ethical obligation?
On Memorial Day weekend Ms. Frisby, LGSW attended a barbecue and had 2 coolers. On her way home she was flagged by police and charged with a DUI. She pleaded guilty and agreed to go to a DUI program and receive extensive counseling in exchange for her case being expunged/sealed permanently. 6 months later she met all the terms of her legal agreement and the information was removed from her record permanently. One year later she had to renew her license. Do her ethics require that she have to report the conviction since it was expunged/sealed permanently?
Scenario 7

- Timothy White graduated in June 2015 and landed his first job at the agency that he interned at which is the Red Cross. He has yet to take the exam to get his “LG” and is concerned that he might get in trouble if he provides counseling without his “LG” status. He calls the HR Department at the Red Cross to verify that he can work without it and they tell him that he can. Did he do the right thing?
Scenario 8

- Paula Dean, LCADC was approached by a sponsee about providing her with counseling to help maintain her sobriety. Does her ethics allow her to do this?

- Paula Dean, LCADC was contacted by a graduate intern student that she is supervising at a field placement at Loyola College. The graduate intern would like for her to provide counseling at her private practice regarding family of origin issues. Does her ethics allow her to do this?
Scenario 9

- Nicki Mouse is an LGPC and works at a local community mental health clinic. Her direct supervisor claims that she is often late, fails to show for appointments due to personal issues, and has poor counseling skills. She is often paired with senior level counselors and is only allowed to do intake appointments. In August 2017 she was given a written final warning and in September was terminated due to poor performance. In October she contacted her supervisor to ask her to sign off on her clinical hours. The supervisor refused.
- Is this ethical?
Clinicians must apprise the client of the risks, opportunities, and obligations associated with services available to the client.

Makes the fee for service clear, maintain adequate financial records, stipulate payment schedules, and confirm arrangement for financial reimbursement.

Notify client of a need to transfer, terminate or refer a client.

Clinicians shall consult with other relevant counselors regarding questions related to ethical obligations or professional practices.

Take credit only for professional work actually performed.

Notify the board if license or certificate has been restricted/suspended.
10.58.03.04 Ethical Responsibility

- Disclose, to all involved, conflicts of interest regarding confidentiality requirements
- Receive appropriate written authorization to provide counseling services for minors or other clients unable to give informed consent
- Maintain accurate records
- Made arrangements for another appropriate professional to act in the event of an absence of the counselor
- To not engage in dual relationships
- Cooperate with board during investigations
Counseling Relationship
Scenario 1

- Clinician Barbara Waters, LCPC was attempting to treat a client with attachment issues by ending the session with a symbol (teddy bear) of comfort and attachment. The client thanked the clinician profusely for the teddy bear and rushed out of the clinician's office. Later on she became angry because she felt that the symbol didn’t honor her chronological age and felt completely misunderstood and abandoned by the clinician. The patient's feelings escalated and she committed suicide that evening.

- Did the clinician act outside of her ethics?
Scenario 2

• A Clinician is meeting with their individual client during their weekly session. The client shares that he is concerned about his family sessions with another therapist. Specifically, the client states that the clinicians berates them in front of their children and appears to be siding with their ex-spouse. The clinician is shocked by the events in the family sessions and states that the clinicians is obviously biased, unprofessional, and lacks the skills to facilitate the family session. At the end of the session the clinician states that she will report them to the board.

• Is this ethical or unethical behavior?
Scenario 3

- The board received a call from an inmate that the licensed mental health clinician at the prison breached their privacy by sharing the contents of their sessions with the facility psychiatrist and nurse. Have they violated ethics?
- The board received a call from a client stating that the licensed mental health clinician breached their privacy by calling the police because of statements they made in the session about harming themselves and their spouse.
Scenario 4

- A client tells you that they have started couples counseling. Are you obligated to contact the therapist?
Scenario 5

• You meet a romantic partner online and began dating them for 6 months. You later realize that the partner is the sibling of a client that you treated in the past two years.

• What do your ethics require you to do?
Uncle Bob Christmas Visit 2016..
10.58.03.0 Counseling Relationships

• A. Client welfare and rights. 1) A counselor shall (a) inform clients of the purpose, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, b) explains to clients the implications of diagnosis, the intended use of tests and reports, fees and billing arrangements, c) document attempts to inform other professional persons concurrently providing mental health services to a client

• B. Avoid Dual Relationships

• C. Identify Multiple Clients (ie. Individual, Couple, Family)

• D. Termination and Referral
Fees and Bartering
Scenario 1

• Jane Austin has been a client of Michael Douglas, LCSW-C for the past 5 years. He is self-employed as a professional house cleaner. Recently, he has been ill and has not been able to earn enough to pay for his private insurance. He wants to remain a client and has offered to barter for his services by giving Mr. Douglas either one of his 6 luxury cars, an Uber car service contract for 1 year, or provide weekly home cleaning services that would normally be worth $125 in exchange for his counseling sessions that cost $75. Is this ethical?
Scenario 2

- Jerry Lewis is a longstanding client of Bing Crosby, LCPC. He recently lost his job and is experiencing financial hardship. He has offered to barter to pay his counseling fee of $60 in exchange for what he charges to detail customers cars ($62).

- Is it ethical for Bing Crosby to accept the bartered good?
Scenario 3

- Jill Scott, LCPC has decided to no longer accept insurance because she is not getting reimbursed enough for her services. She sends a letter to all of her current clients informing them that in 30 days she will no longer be accepting insurance. A current medical assistant client schedules an appointment with her 45 days after she has mailed out the letters. The patient arrives promptly at the session and is asked to pay for the session fee prior to the session. The patient states that she recently moved and was never informed in writing of the change in fee service. She is unable to pay and the clinician refuses to treat the client but offers to reschedule her.

- Is this ethical?
Scenario 3

• The board received a complaint from a medical assistant client who stated that she received a call from a collection agency on behalf of her therapist regarding an outstanding balance of $400 for 20 no show appointments. The complainant stated that she felt humiliated, violated, and betrayed because the provider is refusing to reschedule her appointment and will not release her records to another provider until she pays the cancellation fee. She denies ever signing any paperwork regarding paying a no-show fee but acknowledges that she heard the policy on the provider's voice mail and saw a sign at the desk.

• Is this ethical?
10.58.03.06 Fees and Bartering

- A Counselor shall explain to a client, before entering the counseling relationship, all financial arrangements related to professional services including the use of collection agencies or legal measures for non payment

- B. A counselor may accept goods or services instead of monetary payment only if:
  1. the relationship is not exploitative;
  2. the client requests it,
  3. a clear written contract is establishes and
  4. the arrangements are an accepted practice among professional in the community

- C. A counselor may not accept or give anything of value for receiving or making a referral
10.58.03.07 Advertising, Public statements, and Media Presentations
Scenario 1

- Dr. Iyanla Vanzant is a well known motivational speaker, author, and reality show life coach. She has her PhD in a field other than psychology and is not licensed in Maryland. On her website she states that she provides effective counseling using empirically based techniques and treatment strategies to help overcome trauma.

- Is she acting within her ethics?
Scenario 2

- Carrie Fisher, LCPC enjoys posting each morning on social media words of encouragement and tips for coping with depression. She encourages her severely depressed clients to follow her on social media so that they can include the posting as reminders for self care.

- Is this ethical?
10.58.03.08 Records, Confidentiality and Informed consent
Scenario 1

• Four clinicians rent out space from a church. All the clinicians agree to move out the space on October 1, 2017. One of the clinicians has an opportunity to move out of state with her husband on September 25, 2017 and decides to end the lease prior to October 1, 2017. She removes all of her belongings except for her 4 draw file cabinet. There is now forwarding address or phone number to contact the clinician. On October 1, 2017 the clinicians move out of the suite and leave the 4 draw file cabinet at the church and instruct the owner to dispose of it.
Scenario 2

- A therapist received a call at her office from a client at 1 am asking her to call him immediately. The clinician received the message at 9 am when they returned to their office on the next business day. The patient accused the clinician of not caring about her and said that trust had been forever broken. They demanded that their records be either emailed or mailed to them immediately. The clinician explained that email and postal system were both not secure means of transmitting data. The client screamed on the phone “I hate you” and hung up. Several days later a clinician called and asked for the records to be released to her via her confidential fax machine. The release that was sent was 5 years old. The clinician refused to release records.
Is it ethical to post in office?
Is it ethical to encourage clients to join?

Social Media Outlets

Facebook, Twitter, Instagram…
Is it Ethical to….

- Advertise in Psychology Today?

- Market yourself as an expert in behavioral analysis, play therapy, or hypnosis without the certificate?
10.58.03.07 Advertising, Public statements, and Media Presentations

• A counselor may place advertisements with directories, newspapers, periodicals, radio or television stations or on the internet

• On placing advertisements or making other types of public statements, a counselor shall identify a counselor’s credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.

• A counselor may not place advertisement or make public statements that:

  • A. contain false fraudulent, misleading, deceptive, or unfair statements about their qualifications, certifications or skill level.
10.58.03.07 Advertising and Public Statement

- A counselors hall identify credentials in a manner that is accurate and not false, misleading, deceptive or fraud
- A counselor may not place advertisements or make public statements that are not accurate
- Counselors shall not accept goods or services instead of monetary payment
10.58.03.08 Records, Confidentiality & Informed Consent
Scenario 1

An insurance patient, Chris Brown came to treatment for severe panic attacks and asked his therapist to complete his FMLA forms because he was unable to perform his job as an entertainer. The therapist informed the client that she could complete the forms but could not provide them with progress notes to collaborate her diagnosis because she believes that writing notes distracts her from being present for her clients.
10.58.03.08 Records, Confidentiality & Informed Consent

- A counselor shall maintain the privacy and confidentiality of a client and a client's records.
- Release mental health and substance abuse records or information about a client only with the client's consent or as permitted by health general article, Title 4.
- Dispose of records in accordance with Health ‘general Article, Title 4, Annotated Code of Maryland.
- Provide sufficient information to a client to allow a client to make an informed decision regarding treatment.
- Obtain full informed consent to participate in a human research program.
10.58.03.09 Sexual Misconduct

- A counselor may not engage in sexual misconduct with a client or supervisee.
- Sexual contact includes but is not limited to:
  - Inappropriate sexual language
  - Sexual exploitation
  - Sexual harassment
  - Sexual behavior
  - Therapeutic deception
  - Concurrent sexual relationships with clients or supervisees
Con’t

• A counselor may not sexually harass a client, student, supervisee or supervisor
• If sexually harassed by a client a counselor shall: seek professional plan of action in writing in a client’s record, documenting all action taken a) a client’s treatment plan, b) terminate the relationship with the client and assist in a referral to another healthcare provider
• Therapeutic deception: a counselor shall not engage in sexual activity with a client or an individual under the pretense that it is therapeutic
10.58.03.10 Physical contact
Scenario 1

• Lindsey Lohan, LCPC decided to introduce tapping (EFT) to a trauma client who was recently deployed from Iraq. She explained to the patient that it would entail him at times her tapping on certain pressure points on his hand and face. She demonstrated the tapping on her face and hands and began asking him to mirror her. He explained that he couldn’t do it but gave her permission to tap on his left hand while he recounted his trauma. She tapped on his left hand while he repeated sentence stems and cried softly.

• Is this ethical?
Scenario 1

• Judy has been Marsha Braswlow’s individual client for 3 years. One day you observe Judy and Marsh hugging in the hallway before Judy enters your group session. At the end of your group session you confront Judy about what you witnessed in the hallway. She discloses that at the end of each session Marsha Brawslow initiates long embracing hugs and rubs her back lovingly. In addition to this she sends her text with smiley faces stating that she is missing her hugs already!
Scenario 2

• Jack and Jill are clinicians who come to you for six sessions of marital therapy. They eventually divorce and 6 years later your run into one of the spouses at a convention for therapist/social workers. They express interest in you as a colleague initially and then romantically as a partner.

• What is the ethical thing to do?
What is good Touch vs Bad Touch?
Touch In the therapeutic process

• **Good Touch**
  • Has a theoretical basis
  • Is intentionally done as an intervention or a clinical tool
  • Is documented and not secretive
  • Is done with the consent of patient
  • Empowers & heals the client

• **Bad Touch**
  • Is about power and control
  • Is done intentionally to meet the needs of the perpetrator
  • Is secretive
  • Is done without consent
  • Disempowers the client
A counselor engaging in non traditional treatment modalities using physical contact with a client shall document in a client's record: 1. an assessment of a client; a written rational for the use of the physical contact treatment modality for a client, and 3. a copy of the informed consent, signed and dated by the client and the counselor which addresses: a The risks and benefits of the physical contact treatment modality.
Solution for Preventing Ethical Violations

Self Care

Self-care is an act of self-love.

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Self Care

- Create a Mindful Practice
  - A. Take breaks
  - B. Meditate
  - C. Operationalize A Wise Mind vs Emotional Mind Practice
- Recognize We all have blind spots
- When in Doubt seek consultation

- Create a Peer Supervision Group
- Identify a Clinical Supervisor
- Take Breaks when appropriate
- Recognize Warning Signs that old wounds are activated
- Call the Board
- Practice Art of Self Awareness
Self Care

- Clarify boundaries
- If you self disclose make sure self disclosure is towards goals
- Seek counseling for a personal outlet and a sounding board
- Promote and role model a team approach

- Exercise
- Refer clients to other clinicians who have specialties
- Reduce client load
- Refuse to do anything that puts you in jeopardy
Thank you for Participating

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