Ethical Standards and Confidentiality

Counseling And Mental Health
Copyright

Copyright © Texas Education Agency, 2014. These Materials are copyrighted © and
trademarked ™ as the property of the Texas Education Agency (TEA) and may not be reproduced
without the express written permission of TEA, except under the following conditions:
1) Texas public school districts, charter schools, and Education Service Centers may reproduce
and use copies of the Materials and Related Materials for the districts’ and schools’ educational
use without obtaining permission from TEA.
2) Residents of the state of Texas may reproduce and use copies of the Materials and Related
Materials for individual personal use only, without obtaining written permission of TEA.
3) Any portion reproduced must be reproduced in its entirety and remain unedited, unaltered and
unchanged in any way.
4) No monetary charge can be made for the reproduced materials or any document containing
them; however, a reasonable charge to cover only the cost of reproduction and distribution may
be charged.

Private entities or persons located in Texas that are not Texas public school districts, Texas
Education Service Centers, or Texas charter schools or any entity, whether public or private,
educational or non-educational, located outside the state of Texas MUST obtain written
approval from TEA and will be required to enter into a license agreement that may involve the
payment of a licensing fee or a royalty.
For information contact: Office of Copyrights, Trademarks, License Agreements, and Royalties,
Texas Education Agency, 1701 N. Congress Ave., Austin, TX  78701-1494; phone 512-463-7004;
email: copyrights@tea.state.tx.us.
What are ethics?
Definition of Ethics

• Beliefs of an individual or group that guide them in making correct or proper choices

• Comes from the Greek word *ethikos* meaning moral character

• Developed by Greek philosophers
How are ethics defined?
How are ethics defined?

- Involves a decision-making process
- Set of moral principles
- What is right or wrong
From where do people derive their ethics?
Origination of Ethics

- Citizenship-based
- Cultural-based
- Law-based
- Professional relationship-based
- Religious-based
What are the major purposes of a professional code of ethics in Counseling and Mental Health?
Purposes of Code of Ethics

• Provide a framework for ethical behavior

• Set standards for the profession

• Protect not only the professionals but the clients as well
Code of Ethics
American Counseling Association (ACA) Code of Ethics Contents

• The counseling relationship
• Confidentiality
• Professional responsibility
• Relationships with other professionals
• Evaluation, assessment and interpretation
• Supervision, teaching and training
• Research and publication
• Distance counseling, technology and social media
• Resolving ethical issues
Ethics in Organizations

• All human service disciplines follow a code of ethics
• They are required to be followed by members of professional organizations which include:
  • American Association for Marriage and Family Therapy
  • American Mental Health Counselors Association
  • American Psychological Association
  • National Board of Certified Counselors
Guidelines for Ethical Standards

Areas covered are:

• Assessment and diagnosis
• Client relationships
• Counseling process
• Education and training
• Privacy and confidentiality

• Recordkeeping and fees
• Resolution of ethical problems
• Responsibility and integrity
Definitions

- Confidentiality
- Privacy
- Privileged communication
Morality

Morality involves judgment or evaluation of action
Kitchener’s Moral Decisions

- Autonomy
- Beneficence
- Fidelity
- Justice
- Nonmaleficence
Ethical Decision-making Model

1: Identify the problem
2: Apply the ACA Code of Ethics
3: Determine the nature and dimensions of the dilemma
4: Generate potential courses of action
5: Consider the potential consequences of all options and determine a course of action
6: Evaluate the selected course of action
7: Implement the course of action
Penalties for Non-Compliance

• The patient has a right to take the professional to court.

• The professional can be taken to court in a civil or criminal case and can face jail time.

• Monetary fines are most common and can range from $100.00-$100,000.00.

• The act of disclosure must be seen as a willful act of neglect on the doctor’s part in order for a penalty to be issued.
Beneficence

Due to the nature of the relationship between physicians and patients, doctors do have an obligation to:

• Prevent and remove harms
• Weigh and balance possible benefits against possible risks of an action
Red Flags of Boundary Violations

• You are with the client while off-duty.

• You feel you are the only one who understands the client – other staff are “too critical” or don’t understand.

• You keep secrets with the client.

• You spend an exceptional amount of time with a particular client.
Red Flags of Boundary Violations

• You accept gifts, cards, letters or excessive compliments.
• You are guarded or defensive if asked a question.
• You see the client as “my client.”
Breach of Confidentiality

The consequences of breaching confidentiality laws may include:

• Criminal charges and lawsuits
• Immediate termination
• Loss of reputation
• Written warnings
Does a parent have an unrestricted right of access to the school counseling records of his or her minor child?
Guidelines for Professional Ethics
Professional Ethics

- Guidelines for professional ethics
- Personal life
- Professionalism
- Respect for resources
Professionalism includes being:

- Dependable
- On time
- Polite
- Respectful
Professionalism

Soft Skills – Professionalism

(Click on link)
Personal Life

• Separate work life from private life
• Avoid discussing personal problems
• Keep personal telephone calls to a minimum
Do Not Steal Or Waste Resources

• Stealing is:
  – Illegal
  – Unethical

• Do not take items such as:
  – Cash
  – Equipment
  – Inventory
  – Property

Wasting resources costs the company money

• Recycle items such as:
  – Magazines
  – Paper products
  – Plastic bottles
Work Ethic Qualities

- Reliability
  - Be Sufficiently Trained
- Confidentiality Between Counselor and Client
- Upholding Hygiene and Safety Standards
- Treat Each Other With Respect and Dignity
- Honesty
- Seek the Best Interest of Your Clients
Ethics in the Workplace

Ethics in workplace
Presented by :Commlab India

(click on picture)
Questions to Keep in Mind

1. Is it fair?
   - Does it uphold the values of the organization?
   - Can I tell my decisions to my employer, my family and others?
   - How would others regard the details if made public?

2. Am I confident in my decision?
   - Will it be valid for years?
   - Is it legal?
   - Will it hurt anyone?
   - Does it positively represent the company?

3. Does it convey respect for others?
   - Does it make anyone uncomfortable?
   - Have I involved others by asking their viewpoint?
Questions?
References and Resources

Images:
Microsoft Clip Art: Used with permission from Microsoft.

Textbooks:

Websites:
American Counseling Association (ACA)
2014 ACA Code of Ethics.

American Psychological Association
Protecting Your Privacy: Understanding Confidentiality

American Psychological Association
Ethical Principles of Psychology
References and Resources

National Institute of Mental Health
Health and education on mental health issues.

Texas Education Agency
School Guidance and Counseling
http://www.tea.state.tx.us/index3.aspx?id=3400

USSF School of Medicine
The Principles of Medical Ethics
http://missinglink.ucsf.edu/lm/ethics/Content%20Pages/fast_fact_basic_principle.htm

YouTube™:
Ethics in the Workplace!
A presentation on how companies can easily implement business ethics in the workplace and still achieve their goals.
http://youtu.be/0mUxMpMTT28

United States Department of Labor
Soft Skills – Professionalism information.
http://youtu.be/7dPWVjQSad4