

Ethical Dilemma Exam

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## Ethical Dilemma Exam

Ethical dilemmas, unfortunately, are more often than not, inevitable for those working in the counseling field. Whether a counselor witnesses the unethical behavior of a colleague, practices unethically without knowledge, or practices unethically knowingly – it is common for these dilemmas to arise. Because of the previously stated, there have been ethical codes created by several organizations in hopes of keeping counselors honest and having the best interest of their clients. As a new counselor in a community-based organization that provides medical care as well as behavioral and health services to a multi-ethnic population of low-income families, children and seniors – Sasha has randomly encountered patients of the clinic who are offering to pay her for the services she provides. So far, Sasha has not accepted any payments from the patients. Soon after, Sasha, a recent master's graduate and African American female counselor, learns from multiple patients that her colleague, Jake, has been accepting monetary gifts from them. Sasha also has heard from other patients that this same colleague is often seen socializing with patients after work and on weekends. Jake has also been known to have a history of dating staff and even some patients. Jake has been somewhat of a mentor to Sasha, by helping her get oriented with progress notes, forms, resources, her computer and has even advocated for Sasha on several occasions regarding holiday time off. Sasha is content with her positive relationship with Jake, but the things she has heard about his behavior with clients has caused her to feel extremely uncomfortable and troubled. The following body of information will address the way Sasha uses ethical standards and principles to handle this situation.

**Violation of Ethical Standards and Principles**

Jake's actions are unethical in many ways. The first ethical principle that needs to be addressed is the act of receiving gifts. The ACA Code of Ethics section A.10.f. states that

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“Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and gratitude. When determining whether to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, the client’s motivation for giving the gift and the counselor’s motivation for giving the gift” (ACA Code of Ethics, 2014). In this case, Sasha has heard from a patient, that Jake has been accepting monetary gifts from multiple clients. This seems to be clearly unethical, as they work for an organization, whom they are paid by. The ACA Code A.10.b., says that it is unacceptable as a business practice for “counselors to participate in fee splitting, no do they give or receive commissions, rebates, or any other form of remuneration when referring clients for professional services (ACA Code of Ethics, 2014). It seems as though, Jake has made it a habit of accepting money from clients, if he has been accepting these monetary gifts from multiple patients. The patients that attend this health center are ppl from low-income, urban families, children and seniors. If Jake is in fact accepting these monetary gifts from these types of patients, he is exploiting their therapeutic relationship which is unethical.

Dual relationships can be a very sensitive topic as it relates to ethics in counseling. Sasha has been told by other patients that Jake has been seen socializing with patients after work and on weekends. ACA code A.6.b. addresses extending counseling boundaries. The code states that “counselors consider the risks and benefits of extending current counseling relationships beyond conventional parameters. Examples include attending a client’s formal ceremony (e.g., a wedding/commitment ceremony or graduation), purchasing a service or product provided by a client (excepting unrestricted bartering), and visiting a client’s ill family member in the hospital. In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not

impaired and no harm occurs” (ACA Code of Ethics, 2014). Being cautious of overstepping boundaries can indeed help counselors in situations where they may want to support their client in a setting that is unconventional, but the counselor must be honest with themselves about the risks of the counselor – client relationship turning into a relationship that may not be professional at all. If Jake is out socializing with patients after work and on weekends, it seems as though boundaries may definitely have been crossed, which may lead to the exploitation of his patients.

Jake has also been known to have a history of dating staff and even some patients. If these allegations are true, Jake’s behavior in this sense is blatantly unethical. AACA code A.5.a. prohibits the sexual and or romantic encounters and relationships with current clients, their romantic partners, or their family members. This includes in person and electronic interactions as well. ACA code (2014) A.5.c. says that the prohibition of sexual/romantic interactions and relationships must be maintained for 5 years after the last professional contact. However, Jake’s dating of other staff has to be addressed as well. Because Jake is one of the counseling supervisors, it is unethical for him to date any other staff members. ACA code F.3.a. says that “counseling supervisors clearly define and maintain ethical professional, personal, and social relationships with their supervisees. Supervisors consider the risks and benefits of extending current supervisory relationships in any form beyond conventional parameters. In extending these boundaries, supervisors take appropriate professional precautions to ensure that judgment is not impaired and that no harm occurs” (ACA Code, 2014). ACA Code F.3.b. goes on to address both in person and electronic sexual/romantic interactions and relationships with staff that a counselor supervises, is prohibited. Lastly, ACA Code F.4.c. stresses that supervisors make their subordinates aware of all professional, ethical, legal standards and responsibilities. If

Jake has dated members of his staff, he has clearly failed to uphold all the previously mentioned ACA codes of ethics.

There are a few ethical principles violated by Jake as well, which is referred to in the 6th Step in the Model for Ethical Decision Making. These principles include nonmaleficence, beneficence, and fidelity. Nonmaleficence addresses not doing or risking any harm to your client. Jake is risking harm to his client emotionally by engaging in relationships with them beyond their conventional relationship of client and therapist. Beneficence refers to “the responsibility to do good” (Welfel, 2016). Jake is not doing good by engaging in boundary breaking relationships with his patients and taking advantage of them by accepting monetary gifts when he knows they have low-income. Lastly, the ethical principle Fidelity, says that “counselors must place clients’ interests ahead of their own and be loyal to clients, even when such loyalty is inconvenient or uncomfortable” (Welfel, 2016). Jake is placing his own interests as priority over the patient’s by engaging in these self-seeking behaviors.

### **The Health Center’s Reputation in the Community**

The Helping Hands Healing Initiative: Health Center is a community-based health center that caters to multi-ethnic low-income urban families, children, and seniors as mentioned earlier. Developed by a group of young charismatic public health officials from across Long Island, New York, the health center was created with purpose to truly set out to help this population of people and not take from them in any way. The Helping Hands Healing Initiative (Helping Hands) prides itself on putting their client’s first. The organization is funded by the government and does not require any copays for primary care physician visits, urgent care visits, and counseling sessions – based on a list of certain income and housing criteria. Established in 2014, the center has been in operation for 6 years in the heart of Wyandanch, NY – an urban neighborhood in

Suffolk County, Long Island. Helping Hands is known for giving back to the community in more ways than one. The facility has been known to hire as many minority employees as they do their Caucasian counterparts. Throughout the years of operation, Helping Hands has received great accolades from the state, local government and community for being a well ran clinic without any scandals in the press. Because of the positive reputation of the center in the community and throughout the state, Sasha is even more nervous about her next steps regarding the information she has received about Jake's unethical behavior. Jake is one of the highest ranked supervisors in the organization, he has been very helpful to Sasha as a newer employee to the organization, and there has not been any negative feedback regarding the center in its 6 years of existence. However, Sasha knows she must take some form of action – the wellbeing of the patients are at stake. Enacting the 2<sup>nd</sup> Step in the Model for Ethical Decision Making, Sasha clarifies the facts, stakeholders, and all social cultural context of Jake's case by reviewing all of the facts mentioned previously. This step is a starting point for Sasha.

### **Sasha's Course of Action**

Sasha has made the decision within herself, that she must take some course of action regarding Jake's alleged behavior. She has developed ethical sensitivity – which is the first step of the 10 Steps of Model for Ethical Decision Making and defines the central issues of the case of Jake (2<sup>nd</sup> Step of Model for Ethical Decision Making). She decides to document every time a patient tells her that Jake has been accepting monetary gifts from patients and has dated patients and other staff members. She now has 7 different patients who have disclosed this information to her within a week's time. Sasha now decides that she will tell these patients that she is mandated to address these disclosures, as Jake's behavior is unethical. The patients give Sasha their added approval to escalate the situation and she gets their agreeance in writing. "The ethics codes of

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both the ACA and the APA recommend informal remedies as a first step in addressing misconduct” (Welfel, 2016). Sasha applies the 4<sup>th</sup> Step of The Model for Ethical Decision Making to the case of Jake by referring to the ACA Codes of Ethics and other professional guidelines. The ACA Code Ethics (2014) Section I.2.b. addresses informal resolution by stating “when counselors believe that another counselor is violating or has violated an ethical standard, they attempt first to resolve the issues informally with the other counselor if feasible providing that such action does not violate confidentiality rights that may be involved.” Sasha also does her own research and reads “Why Can’t We be Friends?” by Alison L. Kramer, “which was a mixed-methods approach to study former clients’ experiences of nonsexual post-therapy relationships with their therapists (the research was inclusive of psychologists and counselors) (Kramer, 2016). The central theme that came out of this research was the confusion of clients, which can be harmful and detrimental to them (Step 5 of the Model for Ethical Decision Making). Sasha applies the Step 7 of the Model for Ethical Decision Making and consults with her supervisor about the case of Jake. Sasha has developed a great rapport and working relationship with the Head Psychologist of Helping Hands, Layla, as they both attended the same graduate school. She trusts Layla and tells her that there has been a colleague within their organization who has taken monetary donations from patients and has been seen socializing with them after work and on the weekends. Sasha also adds that she has documented every time a patient has told her this information and that there has also been word that this colleague has a history of dating patients and staff. She does not tell Layla that this colleague she is referring to is Jake. Layla asks if she has had a conversation with this colleague who Sasha believes has been displaying unethical behavior. Sasha responds by saying that she does not feel comfortable confronting this colleague as there have been multiple patients who have come forward with the

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information against him. In this case, Layla advises that there be a formal complaint made, anonymously by Sasha so that an investigation can be conducted. Jake's behavior translates as exploitive regarding his patients and unethical regarding the unconventional relationships he has had with other staff members. Helping Hands is at risk of their reputation for good service without scandal being tainted but the truth must be revealed. It is also important that Jake be investigated and handled accordingly as the community that Helping Hands services, deserves the best ethically ran organization. The Bible in the Book of Matthew chapter 18:16-17 also says that if one has an ought against another that the person should go to them alone first and address the situation. If this does not resolve anything, bring witnesses with you to the next meeting. If this course of action does not yield resolve, then the problem should be brought to the church. Finally, if no resolve comes from the previous step, then it is okay for these persons not to reconcile (The Holy Bible). After her conversation with Layla, Sasha applies Step 8 of the Model for Ethical Decision Making and thinks carefully and makes a decision to inform the ACA of Jake's ethical misconduct. Thereafter she returns to Layla to inform her of the decision she's made, ensures she documents every step of her decision-making process and all of the actions that follow – which is the 9<sup>th</sup> step in the Model for Ethical Decision Making.

There are a few ACA codes that led to Sasha's intense feeling of responsibility to speak up about the unethical behavior within her organization. ACA code section C.6.d. (2014) says that counselors should not exploit others in their professional relationships. Sasha also feels compelled to report Jake's behavior because of ACA code I.1.b. which refers to ethical decision making by stating "when counselors are faced with an ethical dilemma, they use and document, as appropriate, an ethical decision- making model that may include, but is not limited to, consultation; consideration of relevant ethical standards, principles, and laws; generation of

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potential courses of action; deliberation of risks and benefits; and selection of an objective decision based on the circumstances and welfare of all involved” (ACA Code of Ethics, 2014). Sasha also uses ACA code I.2.b. (Reporting Ethical Violations) as a guide when choosing her course of action regarding Jake. The code says, “if an apparent violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution or is not resolved properly, counselors take further action depending on the situation. Such action may include referral to state or national committees on professional ethics, voluntary national certification bodies, state licensing boards, or appropriate institutional authorities. The confidentiality rights of clients should be considered in all actions. This standard does not apply when counselors have been retained to review the work of another counselor whose professional conduct is in question (e.g., consultation, expert testimony)” (ACA Code of Ethics, 2014).

In conclusion, Sasha reflects on her experience, enacting the last step of the Model for Ethical Decision Making. Sasha decides to file a complaint anonymously with the ACA regarding Jake, as she did not want to experience any retaliation at work. She feels like she made the right decision in escalating Jake’s case, as the patients’ wellbeing is most important to her and to the organization. She also feels that this step was needed in order to uphold her own ethical integrity as well as Helping Hands’ ethical integrity. She hopes that there is room for rehabilitation for Jake and not only punishment.

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