

Ethical Examination 2

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The case can bring many different emotions for all the individuals involved. The case can be seen as unethical due to the violations that took place. Marsha has many emotions that can take place after reading the email sent by Dr. Scott. Marsha can be upset, disappointed, hurt, and angry after reading the email for many different reasons. Marsha worked very hard to get into this dream internship, and for her supervisor to disappoint her with his email can be extremely stressful and discouraging. To have her director Dr. AGSC also read this email can cause Marsha to have more anger. Instead of speaking one on one with Dr. Scott multiple parties were involved in a cruel email that can be seen as unethical. The email says that Marsha needs individual therapy due to having different viewpoints with Dr. Scott of a particular client which can create sadness and anger.

There can be many ways to respond to this email as a way to attempt reconciliation. It would be best to attempt to talk with all parties involved in a face to face conference instead of emails. However, if it is via email then it is important to remain professional. Marsha can respond by showing grace to Dr. Scott instead of responding in a relational manner whether it be an angry response back. A way to respond gracefully will first include taking time reflecting on how she feels as a way to prevent responding too early without gathering her thoughts and emotions. Another way would include attempting to understand where Dr. Scott is coming from and not just looking at the negatives. Marsha will need to be able to stand up for herself and express how she feels in an ethical and professional way. This can look like advocating for herself and expressing her ethical concerns she may have with Dr. Scott's email that included her director Dr. AGSC reading the same email. Ethical concerns can include Dr. Scott violating Marsha privacy rights by going through to search her medical records without her consent.

Dr. Scott also should have valid concerns in regards to Marsha. As a supervisor Dr. Scott should be willing to meet and speak with Marsha to understand where she is coming from. Dr. Scott may be worried and concerned about whether or not Marsha may be needing to heal from her past to avoid any countertransference. While it is great to have individuals work in a setting that has meaning to them for personal reasons, it is important to heal from these past hurts and trauma to avoid potentially harming future clients. Dr. Scott should have concerns about Marsha since she is having direct contact with clients that are going through challenging times.

Ms. Ingram should also have concerns about the agency after this case. Having unethical practices take place can be detrimental to the reputation of an agency. This should cause concern for Ms. Ingram as her employee violated an intern's ethical rights. An agency should have professionals that are ethical and create a safe place for healing and vulnerability to take place. Having the public know about the unethical practices many can refuse to receive treatment at this agency which can eventually cause the agency to shut down. It is important for the employees at an agency to feel comfortable and safe but by having their medical records searched for without consent this can create discomfort and many more negative emotions. Many employees can eventually leave due to unethical practices as well as interns not wanting to do their placement with the agency.

Dr. AGSC should also have concerns for AGSC. Students should have a learning and helpful internship experience that can help prepare them for future work in the mental health field. By having a negative experience like Marsha many can become discouraged and eventually transfer and drop from the program. It is important for Dr. AGSC to help inform

students that AGSC is a reliable and credible program to further advance their education and profession.

Dr. Scott has breached ethical guidelines and rules by the email he sent. Dr. Scott violated Marsha's confidentiality rights as he informed in an email to other individuals that she needs individual psychotherapy without Marsha's consent. Dr. Scott went to search for Marsha's medical records without her consent which violates the HIPAA Privacy Rule which states "HIPAA Privacy Rule establishes national standards to protect individuals' medical records and other personal health information and applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically. The Rule requires appropriate safeguards to protect the privacy of personal health information, and sets limits and conditions on the uses and disclosures that may be made of such information without patient authorization. The Rule also gives patients rights over their health information, including rights to examine and obtain a copy of their health records, and to request corrections" (Health Insurance Portability and Accountability Act, 1996). By doing so Dr. Scott also violated the ACA Code of Ethics F.4.a. Informed Consent for Supervision which states "Supervisors are responsible for incorporating into their supervision the principles of informed consent and participation. Supervisors inform supervisees of the policies and procedures to which supervisors are to adhere and the mechanisms for due process appeal of individual supervisor actions. The issues unique to the use of distance supervision are to be included in the documentation as necessary" (American Counseling Association, 2014). Dr. Scott violated the ACA ethical principles of nonmaleficence, or avoiding actions that cause harm; beneficence, or working for

the good of the individual and society by promoting mental health and well-being; and justice/fidelity: treating the client fairly and with honesty by violating Marsha's privacy rights.

There can be better ways for Dr. Scott to address Marsha's and the countertransference she may be facing. It would be best to meet with Marsha face to face instead of email to better communicate about the dilemma. Dr. Scott should first begin by admitting his unethical behavior that he committed by searching for her medical records. Dr. Scott can attempt reconciliation with Marsha by following a three-step model of recovery which is aimed to encourage mental health professionals to understand accountability at its most fundamental level" (Welfel, 2015). This can look like going to Marsha and apologizing for his unethical behavior and how Dr. Scott can learn how to avoid repeating the same mistake. After apologizing Dr. Scott can meet with Marsha to discuss her passion and desire to help the population she is currently working with. After learning more about Marsha and her story that brought her to intern at the agency Dr. Scott can provide Marsha with feedback about his concerns about countertransference in a loving way. Dr. Scott can explain to Marsha that countertransference can be detrimental to future clients and their well being which is why it is important to be aware of any healing that needs to take place in Marsha's life. Dr. Scott can then ask Marsha if she gives consent to help Marsha find treatment and speak to multiple parties to better support her journey as a future counselor.

There should have been better improvement from the beginning of Marsha's internship to prevent unethical practices and conflict. To start off a written agreement signed off by all parties involved should have been implemented from the beginning that explains all the rules, rights, and agreements. This would include Marsha, Dr. Scott, Ms. Ingram, and Dr. AGSC all reviewing

and signing the agreement to all be on the same page and understand the agreement of this written document. Consent forms should have also been signed with Marsha agreeing or not to give consent on whether she wants others to go through her medical records.

The supervisor-supervisee relationship can be reconciled if both parties are willing to work together. There can be many recommendations for the relationship to be reconciled. A way can start off by meeting face to face and acknowledging that there is some hurt due to the unethical practices that took place. This can start by following the three-step model of recovery as a way to admit and take responsibility for the unethical practices. It is important for both Marsha and Dr. Scott to go over the ACA Code of Ethics and ethical practices to prevent committing the same unethical practices. It is also important for Dr. Scott to gain understanding on assessing and responding to the damage he may have caused Marsha by the email he sent out. This can help Dr. Scott have a better understanding on how important it is to follow ethical practices. Marsha can also listen and be considerate on how Dr. Scott was trying to help her have a better understanding on countertransference and was not attempting to harm her. If both individuals are willing to continue to work together then reconciliation can take place. It is also important to have Ms. Ingram and Dr. AGSC involved and notify them of the shortcomings of both parties instead of just blaming each other. The point is to help resolve conflict and not just win an argument, this does not cause reconciliation but creates division.

There were ethical issues or violations of competence, confidentiality, freedom of choice, personal and professional boundaries, unfair procedures, inappropriate multiple relationships, professional misconduct or impairment, use of poor professional judgment, a lack of integrity

and irresponsibility that took place involving all parties. All these unethical practices can be addressed by going over the 10 steps of ethical decision making.

The first step would be to become sensitive to the moral dimensions of practice. This would include developing ethical sensitivity, integrating personal and professional values. For Dr. Scott this can look like learning more about Marsha's background and culture as well as learning and becoming more aware of the ACA Code of Ethics. For Marsha this can look like learning more about her own personal values about why she wants to enter the field and learn how this can impact her professionally. Dr. Ingram and Dr. AGSC can learn more about the ACA Code of Ethics and ways to have an ethical agency and program.

The second step would be to identify the relevant facts, sociocultural context, and stakeholders. This includes identifying relevant facts such as Marsha being an AGSC student in counseling who is looking to complete her internship hours at a women's shelter (a NYS licensed agency) for survivors of domestic violence, Marsha casually mentioned to her supervisor Dr. Scott that her main motivation for her interest in the treatment of domestic violence is that during her childhood, she regularly witnessed her 40ish year old mother victimized by her multiple boyfriends. Marsha also mentioned in those brief minutes, with increasing intensity and animated emotional distress, that her mother and she had spent one night at that very same shelter many years ago and that she was determined to help victims of domestic violence, Dr. Scott casually mentioning Marsha's comments to the director of the agency Ms. Ingram over a business luncheon they had, he made a request to the facility medical records' director to see if there was any documentation of her mother and Marsha's reported treatment at the facility though he received no reply from the medical records department yet and Dr. Scott intended to follow up

with Marsha's comments once he had more background information, Dr. Scott did not ask Marsha for consent, Marsha and Dr. Scott having viewpoints of a client's diagnosis, and Marsha receiving an email from Dr. Scott that said: "I've been concerned about the difficulties you seem to have in conceptualizing these cases and in formulating a differential diagnosis and effective treatment plan. I believe that there are some personal factors interfering with your judgment. I've discussed these issues with Ms. Ingram who has been observing you at the shelter and we both agree that you need to enter individual psychotherapy to address these problems." Marsha looked up at the cc line and noticed that the email was also sent to Dr. AGSC, Director of Internships at AGSC. Stakeholders include Marsha, Dr. Scott, Ms. Ingram, Dr. AGSC, AGSC, and the women's shelter agency. It is important to gain sociocultural context about the case. So far it is evident that Marsha is a AGSC student trying to finish her internship hours at a women's shelter.

The third step is to define the central issues in the dilemma and the available options. The central issue in the dilemma is that Dr. Scott sent an email stating that Marsha needs individual psychotherapy to address personal factors that may interfere with her judgement of a client's potential diagnosis at the women's shelter agency. Dr Scott also attempted to find Marsha's medical records without her consent. Marsha also may have countertransference that she will need to address. Ms. Ingram and Dr. AGSC also may have lacked appropriate measures to take place from the beginning of the internship to prevent unethical behaviors. There are some options that can occur to help resolve the dilemma. Options can include following the three-step model of recovery as a way to move towards reconciliation between Marsha and Dr. Scott. This can look like admitting and confronting shortcomings of each person and attempt to resolve the dilemma. Marsha can also begin attending individual psychotherapy as a way to work to resolve

any countertransference she may be going through. Dr. Scott can learn more about the ACA Code of Ethics and other policies that he violated as a way to gain more information about ethical practices. Ms. Ingram and Dr. AGSC can implement a written agreement to prevent more unethical practices and disagreements from occurring.

The fourth step would be to refer to professional ethical standards, guidelines, and relevant laws and regulations. In this case Dr. Scott violated the ACA Code of Ethics F.4.a. Informed Consent for Supervision which states “Supervisors are responsible for incorporating into their supervision the principles of informed consent and participation. Supervisors inform supervisees of the policies and procedures to which supervisors are to adhere and the mechanisms for due process appeal of individual supervisor actions. The issues unique to the use of distance supervision are to be included in the documentation as necessary” (American Counseling Association, 2014). Dr. Scott also violated HIPAA Privacy Rule due to searching Marsha’s medical records without her consent.

The fifth step is to search out the relevant ethics literature. This can look like doing research on previous cases in which there was a reconciliation between a supervisee and supervisor. In a 2017 article, the authors proposed a framework for addressing supervisee and supervisor value conflict. The article mentioned different cases such as Ward v. Wilbanks and Ward v. Polite that illustrate the challenges of resolving conflict between a supervisee and a supervisor (Dunn et al., 2017). With the proposed framework, the authors discussed how “supervision value conflicts inevitably occur, but existing supervision literature provides little guidance on navigating such challenges. Given supervision’s central role in clinical training, we highlight the importance of supervisors proactively addressing value conflicts in a

developmentally appropriate manner, while closely monitoring the impact of supervisor supervisee value conflicts on client outcomes” (Dunn et al., 2017). The article mentioned that “Supervisors are encouraged to maintain a stance of acceptance and respect toward supervisees, while also emphasizing the need for supervisees to participate in values exploration and examination work with an open and willing mind. The proposed framework should be applied consistently, regardless of values being considered, to ensure fair treatment of supervisees. It is hoped that, in doing so, this framework will also reduce the risk for litigation against training programs by providing a clear pathway for effective conflict resolution” (Dunn et al., 2017). Ethic literature can be helpful with reconciliation between Marsha and Dr. Scott.

The sixth step is to apply fundamental ethical principles and virtues to the situation. In this case ACA ethical principles can be applied such as nonmaleficence, or avoiding actions that cause harm; beneficence, or working for the good of the individual and society by promoting mental health and well-being; and justice/fidelity: treating the client fairly and with honesty. It is ethical to do more good to both Marsha and the clients than harm. By violating these principles unethical behavior took place. It is also crucial for Marsha to work on overcoming countertransference as the well-being of both herself and her clients can be jeopardized.

The seventh step is to consult with colleagues about the dilemma. This looks like Dr. Scott speaking with the director of the agency Ms. Ingram about the concerns he has with Marsha and ask for feedback on ways to rebuild and restore any broken trust he may have with Marsha. Marsha can also speak with Dr. AGSC about any feedback she may have on ways to overcome countertransference and how to effectively work with Dr. Scott and Ms. Ingram after unethical practices.

The eighth step is to deliberate and decide (action plan). This means coming up with an action plan on working towards reconciliation between Marsha and Dr. Scott. Marsha and Dr. Scott will need to both be willing to work together toward reconciliation. Admitting and apologizing the shortcomings of both parties can help bring restoration. Marsha's willingness to enter individual psychotherapy can also be an important decision to decide. Dr. Scott's willingness to learn more about the ACA Code of Ethics is also important to consider when trying to work towards reconciliation. Dr. AGSC and Ms. Ingram coming up and developing a written plan and agreement can also help.

The ninth step is to inform appropriate people, and implement and document the decision. This includes informing Marsha, Dr. Scott, Ms. Ingram, and Dr. AGSC all the unethical practices that took place and how there can be ways moving forward towards reconciliation. All steps will need to be documented and informed to the appropriate individuals about the plan to move forward.

The tenth and final step is to reflect on the actions taken. This looks like reflecting on the unethical practices and the steps moving towards the possibility of reconciliation. Acknowledging the past mistakes and reflecting on the steps to avoid committing the same unethical practices. Reflecting can help the individuals learn about where they can possibly learn and grow and help see what their strengths and weaknesses are in the field.

While the case had unethical practices on multiple parties, there still remains the possibility of reconciliation. It is crucial to not attack one side or a specific individual as all parties played a role in unethical practices. Marsha needs to address her countertransference, Dr. Scott needs to learn more about ethical rules, Dr. AGSC and Ms. Ingram need to be more

involved and be more committed in helping their programs be a reliable and credible place. This is a great opportunity for growth.

## References

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