

School of Applied Psychology & Counselor Education
Course Outline
APCE 657
Legal and Ethical Aspects of Counseling and Psychology
2009

Instructor: Sally Shaw, Ed.D., Professor Emeritus of Counseling Psychology, University of Northern Colorado. E-mail: sshaw07@comcast.net

Prerequisites: None **Credit Hours:** 3 semester hours

Description: Covers the interrelationship of ethical standards and legal regulation in professional counseling, education, and psychology. Ethical standards, litigation, and legal regulation are examined in regard to professional practice. The first half of the course will emphasize the legal aspects of psychotherapy practice and the second half will focus on the ethical aspects of practice. However, legal and ethical issues will be addressed throughout the course. This course will be presented in the lecture/discussion format. Students will be encouraged to ask questions and discuss legal/ethical issues.

Content: The following general topics will be addressed in this course:

1. Professionalism, accreditation, licensure, and certification.
2. The practitioner as a person and as a professional.
3. Values and the helping relationship.
4. Professional competence, training, and supervision.
5. Client rights, confidentiality, duty to warn and protect, client/practitioner relationships, professional relationships, dual/multiple relationships, unethical and illegal behaviors, and malpractice issues.
6. Legal regulation of the mental health professions.
7. Ethical concerns in multicultural psychotherapy and professional practice.
8. The mental health professional in the community and in a system.
9. Ethical and professional issues in counseling psychology, school counseling, professional counseling, and marriage and family therapy.
10. Ethical, legal, and professional issues in group work.
11. Ethical and legal concerns in research and publication.
12. Ethical and legal concerns in assessment and evaluation.
13. Roles and functions of mental health professionals.
14. Ethical, legal, and professional concerns in training.

Specific Goals and Objectives:

1. To be aware of the impact of legal regulation and litigation on the practice of counseling and psychology.
2. To examine and discuss the legal issues involved in the nature of legal regulation, Colorado licensing and regulation law, the practitioner-client relationship, confidentiality, privilege, privacy, group counseling, written records and reports, malpractice, defamation, competency, dual/multiple relationships, sexual misconduct, assessment, termination, disclosure, freedom of choice, and informed consent.
3. To be familiar with and be able to apply the ethical codes and principles of the appropriate professional association, i.e., the American Counseling Association, the American School Counseling Association, the American Psychological Association, the American Association for Marriage and Family Therapy, the Association for Counselor Education and Supervision.
4. To examine and discuss the ethical issues involved in the professional's personal values, competence, emotional health of the professional, the purpose of psychotherapy, informed consent, the use of assessment, research confidentiality, client dependence, bartering, dual/multiple relationships, dealing with different lifestyles, supervision, working with multicultural clients, educational responsibilities, group work, referrals, and maintaining professionalism.

5. To examine and discuss the influence of professional organizations on the practice of counseling and psychology, including influences from the history of professionalism, accreditation, certification, and licensing.

Required Texts:

Remley, T. P., Jr., & Herlihy, B. (2007). *Ethical, legal, and professional issues in counseling*. (2nd ed. Updated). Upper Saddle River, NJ: Prentice Hall.

Lane, D. K. *The legal guide for practicing psychotherapy in Colorado*. (latest ed.). Denver, CO: Bradford Publishing Company.

Required Supplemental Materials: *It is the responsibility of the student to obtain these materials, available on the Internet, which relate to his/her major area of study.*

Colorado Board Rules and Frequently Asked Questions of student's specialty area, e.g., marriage and family therapists, professional counselors, unlicensed psychotherapists, etc. Found on Internet at <http://www.dora.state.co.us/> On left margin of main web page, click "Division of Registrations." In center of next page find, "SELECT A PROFESSION." Select your professional area. Select "Board Rules," or "Frequently Asked Questions." Review both documents for class.

American Counseling Association 2005 *Code of Ethics*. (Available through the ACA webpage.)
and/or

American Association of Marriage and Family Therapy 2001 *Code of Ethics*. (Available through the AAMFT webpage.)
and/or

American Psychological Association *Ethical Principles of Psychologists and Code of Conduct, 2002*. (Available through the APA webpage.)
and/or

American School Counselor Association 2004 *Ethical Standards for School Counselors*. (Available through the ASCA webpage.)

Helpful Resources:

Corey, G., Corey, M.S., & Callanan, P. (2007). *Issues and ethics in the helping professions*. (7th ed.). Pacific Grove, CA: Brooks/Cole.

Fischer, L., & Sorenson, G. P. (1996). *School law for counselors, psychologists, and social workers*. (3rd ed.). White Plains, NY: Longman Publishers.

Herlihy, B., & Corey, G. (2006). *ACA Ethical Standards Casebook*. (6th ed.). Alexandria, VA: American Counseling Association

Herlihy, B., & Corey, G. (1997). *Boundary issues in counseling*. Alexandria, VA: American Counseling Association.

Jacob-Timm, S., & Hartshorne, T. (2003). *Ethics and law for school psychologists*. Brandon, VT: Clinical Publishing Co.

Remley, T. P., Jr., Hermann, M. A, Huey, W. C. (2003). *Ethical and legal issues in School counseling*, (2nd ed.), American School Counselor Association.

Wheeler, A. M., & Bertram, B. (2008). *The Counselor and the Law: A Guide to Legal and Ethical Practice*. (5th ed.). Alexandria, VA: American Counseling Association.

Examinations and Readings:

First Examination (multiple choice): Remley & Herlihy chapters 1, 2, 3, 4, 5, 6, 7, & 8; Lane: read all; review class notes. *Exam will be given afternoon of first Sunday.*

Second Examination (multiple choice): Remley & Herlihy chapters 9, 10, 11, 12, 13, 14, 15, & 16; ACA 2005 Code of Ethics, APA Code of Ethics; ASCA Code of Ethics for school counselors; review Lane, review class notes. *Exam will be given afternoon of second Sunday.*

Grading Scale: A = 93% - 100%; A- = 90% - 92%; B+ = 87% - 89%; B = 83% - 86%; B- = 80% - 82%; C+ = 77% - 79%; C = 73% - 76%; C- = 70% - 72%; D+ = 67% - 69%; D = 63% - 66%; D- = 60% - 62%; F = Below 60% (Approved by APCE Faculty & UNC Faculty Senate)

Written Assignment:

Legal/Ethical Dilemma: Prepare a dilemma with legal and ethical dimensions for a professional in your area/program of study. The dilemma is to present a situation in which the professional must choose among two or more courses of action, each of which have ethical and legal implications for the practice of the professional. In the paper, identify and discuss the ethical and legal guidelines involved in the dilemma and present a solution in terms of the related guidelines. Use no more than 10 typed, double-spaced, pages for the within part of this assignment and give references where appropriate. Paper is due Sunday of the second weekend. The typed copy is to be given to the instructor and will not be returned.

Dilemma evaluation will be based on the following:

1. Dilemma proposes both legal and ethical professional questions from which the professional must make a choice as to the course of action to be taken.
2. Solution to the dilemma provides
 - a. clear identification of the conflicts in professional requirements, both legal and ethical;
 - b. the rationale for the selected solution and the implications for the selected solution;
 - c. identification of the ethical standards and legal regulations on which the dilemma and solution are based.
3. Citing of appropriate references and a list of references.

Class Presentation of the Legal/Ethical Dilemma:

Be prepared to orally present the legal/ethical dilemma to the class for discussion. In the class presentation, you are not to give the solution you determined to be the appropriate course of action. Instead, the class is to identify the appropriate solution through examination and discussion of the dilemma you present. Presentations will be during the second weekend of class.

Course Evaluation:

- Letter grade based on
1. Midterm examination (multiple choice) = 45%
 2. Final examination (multiple choice) = 45%
 3. Written presentation of legal/ethical dilemma and class participation in discussions = 10%

Program Policies:

Academic Conduct Policy: Cheating on examinations, submitting work of others as your own, or plagiarism in any form will result in penalties ranging from an "F" on an assignment to expulsion from the University of Northern Colorado.

Professional Conduct Policy: Students are expected to adhere to the appropriate code of ethics for their particular program of study. Any behavior that is deemed unethical will be grounds for dismissal from the program.

Professional Liability Insurance Policy: All students are required to show proof of having professional liability insurance before being allowed to take an internship.

Students with Disabilities who believe they may need accommodations in this class are encouraged to contact the UNC Disability Access Center at 970-351-2289 as soon as possible to better ensure such accommodations are implemented in a timely fashion.