New Ethical Dilemmas Facing Counselors and Clinical Supervisors

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Ethics codes cannot do our questioning, thinking, feeling, and responding for us. Such codes can never be a substitute for the active process by which the individual therapist or counselor struggles with the sometimes bewildering, always unique constellation of questions, responsibilities, contexts, and competing demands of helping another person. Ethics must be practical. Clinicians confront an almost unimaginable diversity of situations, each with its own shifting questions, demands, and responsibilities. . . Ethics that are out of touch with the practical realities of clinical work, with the diversity and constantly changing nature of the therapeutic venture, are useless.

(Pope & Vasquez, 1998, xiii–xiv)
Introductory Comments

• Intent v Lack of Knowledge
• Common Sense
• Consult with Colleagues, Supervisors, Legal Counsel
• Documentation
• Legal Fear Paralysis
Ethical Standards for Professional Organizations

- naadac.org/documents/index.php?CategoryID=23 (addiction counselors)
- schoolcounselor.org/files/EthicalStandards2010.pdf (school counselors)
- txca.org/Images/tca/Documents/ACA%20Code%20of%20Ethics.pdf (counselors)
- naswdc.org/pubs/code/default.asp (social workers)
- aamft.org/imis15/content/legal_ethics/code_of_ethics.aspx (marriage and family therapists)
Technology and Ethics
Audio Taping Clients Began?
1942 by Carl Rogers
3 waves in the advancement of technology

McMinn, Buchanan, Ellens, and Ryan (1999)
advances in fax machines, word processors, answering machines, and voice mail machines

advances to enhance test administration, scoring, and interpretation

use of telephone, e-mail, and chat rooms
Did we have ethical codes regarding using fax machines or voice mail ten to fifteen years ago? AND NOW.....
Use of the Internet
Over time, search and email are most popular online activities

% of internet users who do each activity

In fact, approximately 58% of American adults will first consult online resources when seeking solutions to problems rather than turning to offline information sources.

Cell Phones & Text Messages
Number of calls made/received per day, 2010-2011

Based on adult cell phone owners

Source: The Pew Research Center's Internet & American Life Project, April 26 – May 22, 2011 Spring Tracking Survey. n=2,277 adult internet users ages 18 and older, including 755 cell phone interviews. Interviews were conducted in English and Spanish.
To put these numbers in comparison, the average of 109.5 texts per day among 18-24 year olds is more than double the comparable figure for 25-34 year olds, and twenty-three times the figure for text messaging users who are 65 or older.

**Number of texts sent/received per day, by age group**

*Based on adults who use text messaging on their cell phones*
Something Eventful
Social Networks

Facebook continued to lead as the No. 1 U.S. social networking site

800 million active users

More than 50% of active users log on to Facebook in any given day
FACEBOOK

You're doing it wrong.
Facebook Warning

You are about to view your ex's profile.

They are happy with their new life and have moved on.

Viewing their profile will only renew your misery and anguish.

Do you wish to continue?

YES  NO
Counselor
Self Disclosure
Self-disclosure in psychotherapy is defined as the revelation of personal rather than professional information by a psychotherapist to a client.

Zur, et al., 2009
"All disclosures reflect decisions about the boundaries between the private self and the outer world."

Farber, 2006
All psychologists affirm the importance of being thoughtful and intentional about how they handle issues of self disclosure. 

(Schwartz, 1993).
Problems with Counselor Self Disclosure

**Lost focus** (e.g., disclosures that divert the interview from the experience of the client to the experience of the counselor)

**Inappropriate timing** (e.g., disclosures that slow the development of or abort the therapeutic relationship)

**Duration** (e.g., disclosures of excessive length that constitute a form of introspective disengagement on the part of the counselor)
Problems with Counselor Self-Disclosure

**Immediacy** (e.g., communicating current experiences from the counselor’s personal life about which the counselor lacks objectivity and emotional control)

**Inappropriate levels of intimacy** (e.g., excessively intimate disclosures that diminish a client’s feelings of physical and psychological safety in the service relationship or diminish the client’s confidence in the abilities of the counselor)

**Cultural violation** (e.g., disclosures that violate cultural etiquette)
The Internet has redefined the process of self-disclosure.
Even when a psychologist creates concrete guidelines for himself or herself around the area of self-disclosure, the Internet can potentially counteract even the best of intentions on the part of an ethical psychologist.
Interesting professional and ethical challenges as the distinctions between private and public information blurs (Behnke, 2008).
“Nothing that enters cyberspace is ever completely secure”

Collins (2007)
Clinicians must be aware that all their online postings, blogs, or chats may be viewed by their clients and will stay online, in some form, forever.
Should a counselor have the same policy regarding their online interactions for everyone?

Lehavot, 2009
Or should the decision of whether, for example, to “friend” a client on a social networking site be made individually, depending on the function for that particular client.

Lehavot, 2009
Certainly, we need to be thoughtful about what we post online and careful about whom we grant access to our personal information.
Questions to Ask Yourself Before Posting

What are the costs and benefits of posting the information?

Is there a high probability that clients will be significantly and negatively affected?

How will the disclosure affect my relationship with my clients?

Does the disclosure threaten my credibility or undermine the public’s trust in the field of counseling?
How do you manage your online disclosures?
Emailing Clients
E-mail offers a fast, economical method of communication that may serve as a positive adjunct to the counseling relationship.

Bradley & Hendricks, 2009
Urge e-mail users to:

- maintain virus protection
- encrypt all e-mails
- insist on periodic backups
- use antivirus protection
- use strong passwords

Zambroski, 2006
Emailing Clients

- counseling relationship
- confidentiality and privacy
- Counseling vs. administrative emails
- checking e-mail
- Email signature
General Rule

Email communication must support the working alliance between the counselor and client and promote trust.
Confidentiality and Privacy

Counselors Must:

1. acknowledge that email correspondence is not confidential
2. ensure that the email platform used is encrypted and password protected
3. determine what information will be okay to disclose in an email
4. acknowledge that they will never forward a client’s email
5. determine the policy for recording the email in the client record or printing the email off
6. ask the client about the privacy of their email account and who has access
Counseling vs. Administrative Email

- Administrative emails would include date, and time of next appointment, cancellation of appointments, rescheduling appointments, etc.

- Counseling emails include therapeutic material regarding clients’ problems and issues
The important issue is what policy has the counselor communicated to the client regarding how frequently they check email.

The counselor must then abide by this policy.
Email Signature

• every e-mail sent to a client must contain a signature

• signature must include information about such issues as confidentiality, security, privacy, unauthorized access, and intended user

• For example: “this e-mail and any attachments are intended only for use by the addressee and may also contain privileged or confidential information”
Email Counseling

- Many online counseling centers utilize email counseling.... BUT most have specially designed email platforms and programs that allow counselor and client to exchange emails in a secure and private manner.

- **Asynchronous** versus **Synchronous** email Counseling
Clinical Supervisors....

Have you asked your supervisee if they email or text clients?
"Googling" has become synonymous with "Internet searching."
The accessibility, anonymity, and universality of the Internet have made it easier and more tempting to “Google” clients.
Patient Targeted Googling

Is it infringing on a patient’s privacy?
Would it be okay for a counselor to drive by a clients’ house?
Three Things to Consider Before Conducting Patient Targeted Googling

1. consider the intention of the search
2. evaluate the potential risk to the patient
3. anticipate the effect of gaining previously unknown information
More In Depth Questions

1. Why Do I Want to Conduct This Search?

2. Would My Search Advance or Compromise the Treatment?

3. Should I Obtain Informed Consent from the Patient Prior to Searching?
More In Depth Questions

4. Should I Share the Results of the Search with the Patient?

5. Should I Document the Findings of the Search in the Medical Record?

6. How Do I Monitor My Motivations and the Ongoing Risk-Benefit Profile of Searching?
On the Other Hand
With the click of a mouse, clients can find a wealth of information on their counselors.
Some personal information about the clinician may be available to the client without the psychotherapist’s knowledge or approval.
How do you respond if a client tells you that he has “Googled” you or visited your website?
Online Consultations
Participating in Online Consultations on forums and listservs

Kaslow, Patterson, & Gottlieb, 2011
increase the possibility of inadequate and simplistic solutions being offered
ONLINE Consultations

risk of violating client confidentiality unless identifying information is well camouflaged
Unless the person seeking consultation knows the counselor who is responding, he or she has no assurance about the efficacy, accuracy, validity, and soundness of the information provided.

Kaslow, Patterson, & Gottlieb, 2011
Clinical Supervisors and Technology: A Balancing Act
Counselors may avoid seeking guidance on Social Network or internet or technology issues because of a perceived lack of knowledge regarding these issues on the part of supervisors.
Importance of Supervisors
Conducting Self Assessments
Accessible
easy to approach and speak freely with
Technology could create a threat to usual patterns of supervision.
Supervisors should consider all the same issues relevant to counselors and their clients when considering sharing personal information online with:

1. supervisees
2. accessing supervisees’ information online
3. communicating through social networking sites with supervisees
Recent Values/Religious Issues

• Keeton v. Anderson-Wiley (Augusta State University in Georgia)
  – Can a counseling student be compelled to follow ethical guidelines if she/he believes the guidelines are inconsistent with religious views?
Arizona House Bill 2565 (2011)

- A “university or community college shall not discriminate against a student in a counseling, social work or psychology program because the student refuses to counsel a client about goals that conflict with the student’s sincerely held religious belief.”
SB 1365 prohibits the denial, suspension or revocation of a person’s professional license, certificate or registration for

- Declining to provide or participate in providing any service that violates the person’s sincerely held religious beliefs
- Expressing sincerely held religious beliefs in any context, including a professional context, as long as the services provided otherwise meet the current standard of care of practice of the profession
Providing faith-based services that otherwise meet the current standard of care or practice for the profession

Making business-related decisions in accordance with sincerely held religious beliefs, including employment decision, client selection decisions and financial decisions”

(No requirement to offer a reference to another provider.)

Counseling Today (July, 2012), p. 10
Questions