

**CPSY 275: LEGAL AND ETHICAL ISSUES IN COUNSELING**  
WINTER QUARTER 2020  
SCHOOL OF EDUCATION AND COUNSELING PSYCHOLOGY  
SANTA CLARA UNIVERSITY

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Office Hours: Guadalupe 121, Tuesday 1:00 – 3:00 - PM; Thursday 4:15 – 5:15 PM.

Classes will meet in Guadalupe 148 on Tuesdays, 5:30 – 8:30 PM

**COURSE DESCRIPTION:**

Ethics is much more than a set of rules and strategies to avoid legal liability and professional censure. Rather, it is a fundamental way of *being in relationship* with clients, students, supervisees, and colleagues that both promotes development and prevents harm. This course is an *introductory exploration* of critical legal and ethical issues in the counseling field, and of values clarification as a method of critical thinking, ethical decision-making, and behavioral analysis.

**GOALS AND OBJECTIVES:**

Students will explore the impact of their personal values on their professional work and ethical decisions, and will confront such issues as therapist competence, confidentiality, client rights, conflict of values, the duty to warn and protect, dealing with managed care, etc. This course is designed to assist students in developing a personal methodology for resolving ethical dilemmas around such issues. Students will also become conversant with current legislation related to these issues and other areas of clinical practice.

**METHODOLOGY AND REQUIREMENTS:**

1. Class attendance and active participation.

Each class meeting will combine lecture and student activity (discussion, group work, role plays, etc.). Because of the highly interactive nature of our meetings, consistent attendance is expected. Students are expected to come to class having completed all reading assignments, and ready to actively engage the material. Inadequate preparation for class and lack of participation will negatively impact one's grade.

2. Required texts:

Gerald Corey, Marianne Schneider Corey, and Patrick Callanan. *Issues and Ethics in the Helping Professions*. Monterey: Brooks/Cole, 2014. 9th Edition. [Please bring your book to all classes.]

Reader: Select articles compiled by instructor. Because of copyright restrictions, the originals are on reserve on Camino. You may legally make your own personal copy.

3. Two two-page reflection papers on an ethical issue assigned by the instructor.
4. Two Written Examinations (Midterm and Final).
5. Professional Disclosure Statement. (Cf. Appendix I)

**GRADING:**

Grades will be assigned on the basis of percentage totals:

95 – 100	A
90 – 94	A-
87 – 89	B+
84 – 86	B
80 – 83	B-
70 – 79	C

<u>Class Participation</u>	30%
<u>Reflection Papers</u>	20%
<u>Examinations</u>	25%
<u>Disclosure Statement</u>	25%

**Please note:** Please carefully proofread all written assignments. Students who need additional help with writing skills should seek appropriate assistance from University resources *before* submitting assignments for grading. CPSY’s Writing Assistance Program has been established to support students in this way.

**RECOMMENDATION:**

Students are strongly encouraged to join the California Association of Marriage and Family Therapists. This is *the* professional organization for MFTs, and membership will provide you with several invaluable resources, including access to CAMFT’s legal counsel and the bi-monthly magazine, *The Therapist*. This publication is replete with useful information, and is probably the easiest way to stay abreast of changes and/or developments in legal matters affecting MFT practice.

## SCHEDULE OF CLASSES

<u>DATE</u>	<u>TOPIC</u>	<u>READING ASSIGNMENT</u>
01/07/20	<b><u>Class #1:</u></b> Introduction to Course	
01/14/20	<b><u>Class #2:</u></b> Introduction to Professional Ethics Counselor as Person/Professional	Corey: 1 & 2 Reader: #1 CAMFT Ethical Guidelines ( <a href="http://www.camft.org">www.camft.org</a> ) <u>Paper #1 due</u>
01/21/20	<b><u>Class #3:</u></b> Values and Helping Multicultural Perspectives	Corey: 3 & 4
01/28/20	<b><u>Class #4:</u></b> Client Rights and Counselor Responsibilities Professional Competence and Training	Corey: 5 & 8 Reader: #2
02/04/20	<b><u>Class #5:</u></b> Confidentiality Duty to Warn and Protect	Corey: 6 Reader: #3 & #4
02/11/20	<b><u>Class # 6:</u></b> Treatment of Children EXAMINATION	Reader: #5
02/18/20	<b><u>Class #7:</u></b> Boundaries and Multiple Relationships Social and Sexual Relationships The Issue of Touch	Corey: 7 Reader: #6 "Professional Therapy Never

Includes Sex" ([www.dca.ca.gov](http://www.dca.ca.gov))  
Paper #2 due

02/25/20

**Class #8:**

Supervision and Consulting  
Theory and Practice

Corey: 9 & 10

Reader: #7

Disclosure Statement Due

03/03/20

**Class #9:**

Marital and Family Therapy  
Group Work

Corey: 11 & 12

Reader: #8

03/10/20

**Class #10:**

Final Examination  
Ethical Issues in Community Work  
Reprise: Counselor as Person/Professional  
Course Summary and Evaluations

Corey: 13

## **SUPPLEMENTAL READINGS FOR CPSY 275**

(Updated September 2019)

(All articles are from **The Therapist**)

### **SECTION I: Scope of Practice; Standard of Care; Advertising Guidelines**

“Scope of Practice”: July/August 2001.

“The Standard of Care: Definitions and Examples”: May/June, 2001.

“Ten Advertising Mistakes Made By Therapists”: March/April 2012.

“What Is a LMFT, LCSW, LPCC and LEP?” (December, 2011)

### **SECTION II: Informed Consent; Record Keeping; Subpoenas**

“Informed Consent/Therapist Disclosure”: Jan/Feb 2001.

“Psychotherapist-Patient Privilege”: March/April 2001.

“Revisiting Informed Consent”: Sept/Oct 2006.

“What About Record Keeping?”: Sept/Oct 2000.

“Request for Records: How to Respond”: May/June 2001.

“On Writing Progress Notes”: March/April 2007.

“Telemedicine: AKA On-Line Therapy & Mandatory Informed Consent”: Sept/Oct 2002.

### **SECTION III: Confidentiality and Its Limits; Tarasoff**

“Authorization for Release of Confidential Information”: May/June 2000.

“Confidentiality and Its Exceptions”: July/Aug 2004.

“Tarasoff for Clinicians: A User’s Guide to the Law”: November/December 2001

“The Tarasoff Two-Step”: Sept/Oct 2012.

“The Two Ewing Cases and Tarasoff”: March/April 2005.

“HIPAA Overview”: May/June 2003.

“How to Comply with the Privacy Rule”: July/August 2010.

“E-Mailing Your Client: Legal and Ethical Implications”: May/June 2012.

**SECTION IV: Child Abuse Reporting Laws; Dependent/Adult/Elder Abuse Reporting Laws; Suicidal Clients**

“Child Abuse and Neglect Reporting Act for 2001”: Jan/Feb 2001.

“CANRA: A Review of Key Definitions”: May/June 2001.

“Guidelines on Reporting Child Abuse”: Nov/Dec 2005.

“Major Revisions: Elder/Dependent Adult Abuse Reporting Law Enacted”: Nov/Dec 1998.

“LMFTs Do Not Report Domestic Violence”: Jan/Feb 2001, p. 36.

“Child Abuse and Neglect Reporting Act: Reporting Child Abuse That Has occurred Outside of California”: January/February 2004.

“Suicidal Patients: Your Legal Duty”: Sept/Oct 2012.

**SECTION V: Treatment of Minors; School Counseling**

“Guidelines for the Treatment of Minors”: Sept/Oct 2000.

“Treatment of Minors Without Parent Consent”: May/June 2002.

“Consent for the Treatment of Minors with Divorced Parents”: Nov/Dec 2001.

“Reporting Consensual Sexual Activity Involving Minors”: Nov/Dec 1999, p. 38.

“LMFTs as School Counselors”: July/Aug 2012.

“MFTs as School Counselors: Confidentiality and Privilege:” Nov/Dec 2002.

**SECTION VI: Dual Relationships; Recourse Against Therapists; Insurance Fraud; Other Legal Considerations**

“Dual Relationships: Your Legal and Ethical Guide”: Nov/Dec 2000.

“Could Your Personal Life Pollute Your Professional Life?”: March/April 2007.

“Bonnie’s Top Ten List of Things Therapists Do to Get Into Trouble”: Sept/Oct 2004.

“What is the Potential for Recourse Against a Therapist?”: Jan/Feb 2001.

“What Is Insurance Fraud?”: Nov/Dec 2009.

**SECTION VII: Supervision**

“Suggestions for Developing a Worthwhile Supervisory Relationship”: March/April 2009.

“Myths and Realities of Supervision”: Sept/Oct 2001.

**SECTION VIII: Treating Couples**

“Treating Couples” Identifying and Managing Legal and Ethical Issues”: Jul/Aug 2012.

“Use of a ‘No Secrets’ Policy in Couple and Family Therapy”: Sept/Oct 2007.

## **APPENDIX I**

### **PROFESSIONAL DISCLOSURE STATEMENT**

Many clinicians use a disclosure statement as part of the informed consent process. This assignment consists of writing a TWO-PAGE professional disclosure statement which reflects your values as a helping professional. It should include the essence of your views on matters such as:

- The nature and purpose of counseling
- What clients may expect from the process
- The division of responsibilities between client and therapist
- A summary of your theoretical position (free of “psychobabble”)
- A statement of the kinds of clients and problems you are most qualified to work with
- Matters that might affect your relationship with your clients (such as legal restrictions, agency policy, and limits of confidentiality)

Remember, one of the legal aspects of informed consent is *comprehension of information*. This means that your statement must be written in language understandable by the average layperson. Part of the challenge of this assignment is to translate your beliefs, policies and clinical theories in such a way that your clients can readily understand and know what it is that they are consenting to.

(Examples will be presented in class.)

### **NEW APA GUIDELINES ON STUDENT SELF-DISCLOSURE**

The professional training philosophy of the Counseling Psychology Department is predicated on the notion that an effective counselor must be a whole person. Indeed, in the practice of counseling, it is the person of the counselor that is a major component of healing. As a counselor-in-training, then, self-reflection is a necessary and required part of the training that helps one better understand and empathize with his/her future clients' experience.

Such reflection is a significant component of one's personal and professional development as an effective and sensitive instrument of change. Thus, it is customary that in the CPSY Masters Program's classes at SCU students are regularly assigned work that involves self-disclosure and personal study of the content of that self-disclosure. Students are expected to reflect on their past and present personal experiences in courses and program related activities, in oral and/or in written assignments.

We respect students' rights to confidentiality, and do not require that any particular or specific information be disclosed. Moreover, we do not evaluate students' progress in the program based on the disclosure of specific information (except as mandated by ethics codes or law).

It is our experience that this philosophy and related formats in our classes provide a rich and superlative educational experience, involving more aspects of student experience than do standard lectures or written material which does not include the person of the therapist in training.

## **ACADEMIC INTEGRITY AND CONFIDENTIALITY**

### **Academic Integrity**

The University is committed to academic excellence and integrity. Students are expected to do their own work and to cite any sources they use. A student who is guilty of a dishonest act in an examination, paper, or other work required for a course, or who assists others in such an act, may, at the discretion of the instructor, receive a grade of "F" for the course. In addition, a student found guilty of a dishonest act may be subject to sanctions up to, and including, dismissal from the University, in accordance with the student judicial process as described in the Student Handbook. A student who violates copyright laws, including those covering the copying of software programs, or who knowingly alters official academic records from this or any other institution is subject to similar disciplinary action. For the full text of the academic integrity policy and protocol, see [www.scu.edu/provost/policy/academicpolicy](http://www.scu.edu/provost/policy/academicpolicy).

### **Confidentiality**

Students have the right to expect confidentiality when sharing private content. State law and professional ethics codify exceptions to confidentiality.

Students to whom personal disclosure is made in courses, practica, counseling sessions, and other training activities also have an obligation of confidentiality.

## **DISABILITY ACCOMMODATION POLICY**

If you have a disability for which accommodations may be required in this class, please contact Disabilities Resources, Benson 216, <http://www.scu.edu/disabilities> as soon as possible to discuss your needs and register for accommodations with the University. If you have already arranged accommodations through Disabilities Resources, please discuss them with me during my office hours. Students who have medical needs related to pregnancy may also be eligible for accommodations.

While I am happy to assist you, I am unable to provide accommodations until I have received

verification from Disabilities Resources.

## **COUNSELING PSYCHOLOGY DEPARTMENT GRADING GUIDELINES**

- It is customary in graduate programs that final course grades of B, B+, A- and A are acceptable for graduate study. Grades of B- and below indicate that a student has done inferior work at a sub-graduate school level. A student with an average of lower than 3.0 is on probation and if that GA is maintained, is disqualified.
- The grading policy in CPSY is that students earn A's through consistent and high quality work. We do *not* have a system where everyone begins with an A and then loses points to lower grades.
- In a normal class the range of final course grades is from B to A with a mean in the A-/B+ range. The range may be quite a bit wider on individual papers, exams or projects that make up the final grade.
- Professors may give grades of C for inferior work. A grade of C in any class, except CPSY 200, CPSY 227, must be balanced by higher grades to yield a 3.0 or better GPA. Grades of D or F, or a B- or below in CPSY 200 or 227, automatically disqualify a student from continuing in the program.
- In some specialty and advanced classes, there are a great percentage of A grades.
- Grades of Incomplete are to be given for extraordinary circumstances. Incompletes must be made up within four weeks of the succeeding term (except Summer) or they revert automatically to a grade of F, and the student is disqualified. The four week period must allow sufficient time for the Professor to grade and record the submitted work. Extensions to an Incomplete are rare, must be in writing and contracted with the Professor.
- Normally, attendance is required for classes. One miss out of 10 three-hour classes is considered the maximum that may be missed without penalty. If a student misses a second class, it is at the instructor's discretion to give a grade of NR (No Record), Inc., or to reduce a grade for lack of class participation. Any student who misses more than two classes should receive an Incomplete grade and repeat the course.

### **ATTENDANCE POLICY**

It is expected that students attend all classes in a given quarter. Should circumstances arise such that a student will need to miss a class due to illness or emergency, the students should discuss this with the instructor. **Missing two classes will adversely affect a student's grade.** Under no circumstances will a student be allowed to miss three classes and still receive credit for that class. The course will

have to be taken again.

**All students are expected to attend the first class. Missing the first class, for whatever reason, will result in being dropped from the course.**

**CLASSROOM PROTOCOL FOR CELL PHONES,  
PAGERS, TEXT MESSAGING, INTERNET BROWSING**

Please be sure to turn off cell phones, pagers, notepads, etc. when you are in class. It is definitely not appropriate to text message, tweet, internet browse or to engage in any other form of non-class related cyber behavior during class. Students engaging in these practices will be identified as not ready to pursue serious graduate study. Most faculty will simply lower the student's grade a full letter.

*BTW—It is obvious from the front of the room!*