

**COUNSELING 618**

**Mental Health Ethics, Law and Professional Practice**

3 Credits

Winter II, 2016

COURSE SYLLABUS

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**REQUIRED TEXT:**

**Welfel, E.R. (2013). *Ethics in counseling and psychotherapy: Standards, research and emerging issues*. (6th edition). Belmont, CA: Wadsworth. Students may not substitute earlier editions of the text – earlier editions are organized differently and contain different content than the latest edition. ISBN 1305089723.**

**Research articles and professional literature as assigned**

The following **required** statutory/regulatory materials are available on the internet. \* **Note: School Counselor's will locate alternative regulations as outlined under the PPM section of this document.**

- Regulations Governing the Licensure of Mental Health Practitioners and the Certification of Marriage and Family Therapists, Professional Counselors, and Social Workers - 172 NAC 94
- Statutes Relating to Alcohol and Drug Counseling -172 NAC 15
- Statutes Relating to the Uniform Credentialing Act (2012 doc)
- Statutes Relating to Mental Health Practice (2013 doc)
- Statutes Related to Medical Records (2010 doc)
- Regulations Relating to Mandatory Reporting-172 NAC 5
- Disciplinary Process Guidelines
- HIPAA/HITECH Regulations related to confidentiality, privilege, and privacy (HHS short form)
- APA Code of Ethics
- ACA Code of Ethics
- ASGW Code of Ethics
- AAMFT code of Ethics
- NAADAC Code of Ethics
- ASCA Code of Ethics

**Other recommended study materials:**

**The Counselor and the Law, 6th Edition** Anne Marie Wheeler, JD and Burt Bertram, EdD, American Counseling Association, 2012

ISBN: 978-1-55620-315-7

## **COURSE DESCRIPTION**

This course examines the mission, goals and objectives of professional practice. Students will learn and apply codes of ethics, laws, and regulations applicable to counseling, and professional standards of performance in the area of client welfare; professional competence, professional development, personal wellness, and establishing limits and boundaries with clients and colleagues. Client confidentiality, responding to subpoenas, sensitivity to diversity, ethical problem solving models, credentialing, informed consent, standards that can be adapted to practice in a variety of service settings, and establishing professional relationships will be explored. Problem solving skills using ethics codes and best practice standards will be developed.

### **Course Objectives:**

- a. Heighten self-awareness by giving attention to and exploring personal assumptions, values, biases, strengths and limitations that may affect the counseling process.
- b. Examine the pervasive nature of ethical issues that arise in therapeutic relationships.
- c. Explore ethical decision models that lead to professional practice and develop proficiency in making objective decisions based upon circumstances and the welfare of those involved.
- d. Examine relevant ethics codes, professional literature, laws, and principles and develop proficiency in applying these to selected case studies..
- e. Explore legal point of view and history of selected legal concepts from therapeutic practice.
- f. Discuss and understand the difference between mandatory ethics and aspirational ethics.
- g. Develop an awareness of the issues related to confidentiality and privacy and sensitivity regarding circumstantial and cultural meanings of confidentiality and privacy.
- h. Develop a personal/professional identity model that is reflective of ethical behavior including personal values, choices, assumptions, and moral conviction.
- i. Explore personal and professional theoretical orientations and clearly identify how this relates to ethical practice and the delivery of competent care.
- j. Understand the components of professional competency and the steps professionals need to take to ensure that competency and professionalism are not compromised in practice.
- k. Explore and understand professional responsibilities related to relationships with supervisors, supervisees and colleagues.
- l. Achieve competency in client education and the informed consent process.
- m. Develop an understanding of the issues related to the evolving nature of the profession with regard to distance counseling, technology, and social media.

### **Methods of Instruction**

This will be an interactive course which includes **an elevated level of classroom participation** utilizing lecture and instruction, videos, quizzes, case studies, student presentations and article reviews. Students will be required to integrate content, knowledge, and application in practice. *Active participation is essential to your learning. Due to the emphasis on experiential learning, lateness and absences cannot be made up. All written assignments are due on the date indicated in the course schedule. Students will lose 1 point for every day over the due date.*

### **Basis for Student Evaluation**

This is a graduate level course that uses collaborative activities as one of its learning methods. Anything other than your best effort will negatively impact not only you, but your classmates as well. Since this is a graduate level course you will be required to read all of the assigned material and know it well enough to

apply it to situations that will arise in your professional life. To aid students in becoming familiar with such application, the following will be required for a final grade in this course:

1. Student will be expected to **attend** all classes, come **prepared**, and **participate** in all discussions. The success of this course for each student depends on appropriate engagement with the materials presented either by the instructor or other students. After each class session the instructor will award up to 4 points for that particular session. Points will be awarded as follows: 2 points for attendance, 1 point for preparation, and 1 point for participation. An absence, no matter what the reason, will result in no points awarded for that session.

**Total possible points to be awarded in this area: 32.**

2. There will be weekly quizzes during the term, each of which will focus on the reading from the required text and assigned readings for the week. Quizzes will be multiple choice, true/false, and/or short answer which will be worth 5 points each. Each student will be allowed to take scores from the top 4 quizzes.

**Total possible points to be awarded in this area: 20.**

3. Students will work in partnership or individually to develop a presentation for the class. This **presentation will address an ethical issue/dilemma related to the content of the assigned readings and chapters for that week and include all of the components in the presentation outline which will be provided by the instructor.** It is expected that the presentation reflect the use of ethical codes, principles, laws, and research, related to the test case. Each student and/or team will be assigned a test case and a date to present. *Students should provide paper copies for the instructor and classmates with an electronic copy being provided to the instructor prior to class. If working with a partner, team members will share equally in points awarded by the instructor.*

**Total possible points to be awarded in this area: 10.**

4. Each student will produce a Professional Practice Manual (PPM) containing all of the following information and organized in the following manner:

**Section 1 Ethics and Codes for MAC**

- a) Relevant codes of ethics for practice: APA , ACA, ASGW, AAMFT, ASCA, and NAADAC (6 points)
- b) A written plan **detailing** the ethical decision making model you plan to use and **why** you selected this model (3 points)

(Total points of this section: 9 points)

**Section 2 Statutes and Regulation for MAC**

- 1) Licensure statutes and regulations for Mental Health and Drug and Alcohol Counseling.
- 2) State Standards for Involuntary Treatment.
- 3) State Statutes related to Mandatory reporting,
- 4) Disciplinary Process Guidelines
- 5) Mental Health Practice Statues
- 6) State Statues related to Medical Records
- 7) Uniform Credentialing Act
- 8) HIPAA/HITECH Regulations
- 9) Subpoena checklist

(Total points for this section: 9 points)

**Section 3 Informed Consent for MAC**

Demonstrate proficiency with the informed consent process by: 1) producing a written document that reflects adherence to the codes, principles, and laws. 2) authoring a document that reflects the use of literature and research related to the informed consent document and process *The informed consent must contain all relevant items as outlined in the grading rubric.* In creating an Informed Consent document you should refer to *reliable resources and the codes outlining the mandatory content for the document.* **Students will be required to author their own informed consent** using best practice standards, ethical codes, and the recommendation of ethics scholars.

(Total points for this section: 17 points)

### **Section 1 Ethics and codes for School Counseling**

- a) Relevant codes of ethics for practice: NASP, ASCA, ACA, ASGW, AAMFT, and NAADAC (6 points)
- b) A written plan **detailing** the ethical decision making model you plan to use and **why** you selected this model (3 points)

(Total points for this section: 9 points)

### **Section 2 Statutes and Regulation for School Counseling**

- 1) Rule 24 Certification for school counselors
- 2) Nebraska Policy and Model
- 3) Professional Counselor Standards/School Counselor Competencies
- 4) State Standards for Involuntary Treatment.
- 5) State Statutes related to Mandatory reporting,
- 6) ASCA Position Statements
- 7) Legal and Ethical FAQ and Ethical Tips
- 8) Record Keeping Guidelines
- 9) HIPAA and FERPA
- 10) Subpoena checklist

(Total points for this section: 10 points)

### **Section 3 Informed Consent for School Counseling**

Demonstrate proficiency with the informed consent process by: 1) producing a written document that reflects adherence to the codes, principles, and laws and institutional policies. 2) authoring a document that reflects the use of literature and research related to the informed consent document and process *The informed consent must contain all relevant items as outlined in the grading rubric.* In creating an Informed Consent document you should refer to *reliable resources and the codes outlining the mandatory content for the document.* **Students will be required to author their own informed consent** using best practice standards, ethical codes, and the recommendation of ethics scholars.

(Total points for this section: 16 points)

By creating this professional practice manual you will be establishing a valuable foundation for legal and ethical practice as a student intern and professional in the field. You will use the resources in this binder during the course as you evaluate cases and engage in problem solving and analysis of ethical dilemmas. All of the required content is available on the internet, in your text, and in the ethics codes. The development of this binder will serve as a significant step toward thinking ethically about the application of yourself to what you “do” and how you behave in professional contexts. Developing resources that you periodically update and maintaining a clear ethical decision making process are necessary for competent practice as a professional in the counselling and substance abuse fields.

**Total possible points to be awarded for the PPM : 35**

5. Each student will produce a 4-5 page narrative concerning the informed consent document and process as it relates to the ethical principles and ethics codes, the therapeutic relationship, and the professional philosophy and responsibilities of the counselor. This narrative will also include a detailed discussion of the factors that need to be considered when working with couples, families, groups, and minors.

**Total possible points to be awarded : 5**

6. Each student will produce 6 literature or research reviews using the outline provided by the instructor. The instructor may assign the menu for the review or the student may be asked to select articles on their own. The articles will be related in some way to ethics and ethical decision-making and related to the chapter content assigned for the week. Students are expected to use journals or books as the primary source. If you are not sure if an article or source you are interested in is suitable, ask the instructor. You will be asked to present the information from the review during classroom discussions and be familiar enough with the information that you can function as a student “expert” You will need to provide your peers and the instructor with a written summary of the essential content of the article and the reference information (noted in APA format). You will need to bring a copy of the article with you to class to refer to during the discussions, however copies of the article are not needed for your peers.

**Total possible points awarded in this area: 24 (4 points per review)**

7. **A comprehensive final exam.** The final exam will be a combination of multiple choice, short answer and essay questions covering the content of the course, assigned articles, and the text.

**Total possible points to be awarded in this area: 34**

8. **Professional Development:** Students will be required to complete a self-assessment upon completion of the course. The outline for this will be provided and the assessment will be due with the final exam.

*The final will be considered incomplete without the self-assessment and subject to loss of points for lateness.* You will be expected to approach this in a thoughtful and self-reflective manner. One sentence responses will not be acceptable and may result in the self-assessment being returned to you and subject to loss of points for lateness.

*There are a total of 160 points possible in this course.* The following table represents the points required for final grade assignment:

<b>Points earned out of 160</b>	<b>Percentage of total</b>	<b>Final Grad</b>
160-156	98-100%	A+
155-145	91-97 %	A
144-143	90%	A-
142-140	88-89%	B+
139-130	81-87%	B
129-128	80%	B-
127-125	78-79%	C+
124-114	71-77%	C
113-112	76-70%	C-

### **Student Responsibilities**

In addition to 38 hours of classroom time, student should expect to spend a **minimum of 95-100** hours outside of the classroom reading, reviewing research, and preparing for classroom assignments, tasks, and active participation.

It is expected that:

- students will read course assignments and research articles assigned prior to the class session and be prepared to apply the concepts during discussions and the experiential portion of the class.
- students will be integrative learners and are expected to present questions and discussion related to the class readings and scholarly reviews or research. Not all readings will be discussed in detail, which requires students to use the readings as a guide for learning, and be prepared to interact with the readings as a background for their interaction.
- students will be active learners. This means that students should arrive on time, actively participate in classroom discussions, be prepared to assume the role of student expert using assigned literature reviews, **have cell phones and computers off and out of sight during class, and remain in class throughout the duration of the session.**
- students will experience some discomfort as they work to gain skills.
- students will be respectful, open to feedback and willing to provide feedback, willing to role play clients or assume leadership roles, and be open to both personal and professional change.
- students will engage in open and respectful dialogue related to ethical dilemmas and their interactions with peers and base their comments on professional standards vs personal reactions.
- students will abide by all ethical standards governing confidentiality and professionalism.
- students will use resources in addition to the text to enhance learning and complete academic tasks.

### **Professional Practice Expectations:**

- Actively listen to others and demonstrate a desire to understand other points of view
- Respond in a self-reflective and self-critical manner to feedback.
- Show motivation to master new material, examine and challenge current beliefs and practices, and increase competency in areas related to professional practice.
- Demonstrate sensitivity, awareness and acceptance of others.
- Demonstrate tolerance for the ambiguity inherent in the counseling profession and the ethical standards governing the profession.
- Assume the role of professional consultant when discussing cases and issues and discuss issues using best practice and professional ethical standards.
- Demonstrate an awareness of personal values and beliefs as they pertain to and affect decision making in the counseling profession and in your interactions with others.

### **Instructor Responsibilities:**

- ACA Code of Ethics pertaining to counselor educators requires that educators address limitations by engaging in ongoing evaluation and appraisal and address areas of concern that may affect the achievement of counseling competencies  
In this process the instructor is bound by a responsibility:
  1. to inform the student of the concerns
  2. to seek professional consultation when necessary
  3. to engage the student in a problem solving process to attempt remediation
- The instructor will abide by the ACA ethical codes for counselor educators.
- CACREP: Requires assessment of a student's academic, professional, and personal development throughout the program consistent with ACA Code of Ethics.