

## Ethical Case Analysis

Sara Sarti

Clinical Mental Health Counseling, University of Western States

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Dr. Jacey Coy

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## **Ethical Case Analysis**

Ethical principles act as a moral compass to guide us to what is right and what is wrong while also creating the foundation of a civilized society. An ethical decision can be made by forming an ethical identity; having multicultural competence; managing the anxiety and stress of making an ethical decision; and having moral character to see the decision through (Welfel, 2016). Complex ethical cases will arise when working as a mental health professional and having a decision-making model will help professionals make sound decisions that best serve the welfare of the client. Described below is Welfel's (2016) ten step ethical decision-making model that serves as a guide for helping professionals to critically think through the ethical decision-making process. Six ethical dilemmas are identified from a case study involving a mental health professional named Elliott and suggested resolutions for these dilemmas follows using the decision-making model outlined by Welfel (2016).

### **Model Description**

According to Welfel (2016), developing ethical sensitivity is the first step in the ethical decision-making model by setting the foundation for the moral sensitivity of the professional, and it enables the professional to recognize when an ethical dilemma occurs. Research shows that mental health professionals can overlook ethical problems when they get caught up in their work, and the wellbeing of a client can be negatively impacted (Welfel, 2016). A professional may form an *ethical identity* through a formal educational program that focuses on committing to the ethical values of mental health professionals (Welfel, 2016). Ethical sensitivity education should continue after graduating through continued collaboration with colleagues, staying current with new research, and self-reflection (Welfel, 2016). The Association for Applied

Sports Psychology (AASP) corroborates this step by encouraging members to stay current with knowledge and research relating to their field of work (AASP, 1990, Principle A).

After developing ethical sensitivity to the situation, the professional should identify the relevant information about the case as missing information can lead to unethical decision making on the part of the professional and an unsatisfactory ethical outcome can occur (Welfel, 2016). It is important to ask questions related to the client's cultural and sociocultural background as this could possibly challenge both the options and perceptions of the client to the issue at hand (Welfel, 2016). The professional must then self-reflect to ask if they have the competence, background understanding, and empathy to help the client or refer out when necessary (Welfel, 2016). Stakeholders are people or groups that could be helped or harmed by the decision of the professional and should be identified (Welfel, 2016). The AASP Ethical Code reflects this step in the importance of a member recognizing and educating themselves to the differences in clients without discriminating based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law (AASP, 1990, Principles 3.A & B).

After gathering the information needed, the professional will then contemplate the core issues and available options while making a list of the main issues to consider how the context of the situation might affect the decision (Welfel, 2016). The professional should then explore every available option for resolution and then ask themselves "What would this action say about me as a counselor?" (Welfel, 2016). The professional should also have a workable list of possible outcomes, recognize any personal conflicts that can interfere with the decision-making process, and reflect on the decision (AASP, 1990, Code 5.A).

Once the ethical issue has been identified and the options available are listed, the next step is to refer to the standards, guidelines, laws, and regulations of your profession as federal and state laws will supersede ethical codes for a professional organization (Welfel, 2016). For example, the AASP states that the professional is responsible for understanding the laws and guidelines regarding telehealth services in different states where they work (AASP, 1990, code 26.H). This same responsibility extends to every ethical situation, and not just technology. The professional must also compare the ethical codes from all organizations they belong to.

The next step is to seek out research on the ethical dilemma being faced by helping to remove any emotional attachment or personal bias the professional may have (Welfel, 2016). This step is also important because it recognizes the limitations on personal knowledge and experience of the professional by reducing the involvement of alternative voices and opinions. Understanding the need to consult professional literature is essential for any professional to broaden their knowledge by providing new perspectives on the ethical dilemma. To that point, Welfel (2016) emphasizes that the inability of a professional to keep up with current literature concerning the population and environment with which they are working can be seen as incompetence on the part of the professional.

Applying the five ethical principles that Kitchener (1984) developed will help the professional bring “order and coherence” to the ethical case (Welfel, 2016). Kitchener’s five principles are respect for autonomy, nonmaleficence, beneficence, justice, and fidelity. Respect for autonomy is honoring a client’s choice; nonmaleficence is to do no harm; beneficence is the responsibility to do good as a professional helper; justice is to give everyone fair treatment; and fidelity is to keep commitments made (Welfel, 2016). The AASP mission statement closely reflects this step in that integrity and respect are core values of the organization. It is important to

be honest, have strong moral principles, and to have regard for the wishes of others (AASP, 1990, mission statement).

Being faced with an ethical dilemma may cause stress and anxiety for the professional, and the next step in Welfel's model (2016) is to speak with colleagues regarding various variables in dealing with an ethical dilemma. The AASP recognizes the complexity in dealing with ethical dilemmas and the importance of talking with peers or advisors in the face of such dilemmas (AASP, 1990, Code 25). Speaking with others can help the professional feel less isolated and decrease stress in the decision-making process. This step can be used at any time in the decision-making process and will help the professional evaluate the information (Welfel, 2016). The professional may also seek out advice from their organization's ethical committee.

At this stage in the decision-making process the professional will consider all the information and be prepared to implement the decision (Welfel, 2016). In this step it is important to reflect on the motivation of the decision, if it is a professional ethical decision or a personal one, and if there are any other competing values that will affect the decision (Welfel, 2016). The AASP stresses the importance of exercising careful judgement and appropriate precautions to protect the welfare of client (AASP, 1990, Principle A).

Once the professional has decided it is then time to carry out the decision the choices made should be documented and inform superiors of the decisions (Welfel, 2016). It is important to have ethical courage to see the decision through and may be aided by connecting with colleagues and reviewing notes from the model making process (Welfel, 2016). The AASP stresses the importance of appropriately documenting work so that other professionals can use the information for educational purposes in the future, to accurately reflect the thought process in reaching the decision, and to hold all members to the same standards (AASP, 1990, Code 14).

This is also noted in code 25 where it is stated that the member should speak to a supervisor about the decision (AASP, 1990, Code 25).

Reflecting on the decision is the final step in the decision-making model and this step starts after the decision has been carried out and the consequences are known (Welfel, 2016). This process can show the professional how they could have handled the situation differently and is helpful for the quick identification of any future ethical situation that may occur (Welfel, 2016). The professional should take the time to reflect on their personal knowledge of the ethical codes in their organization; areas of needed improvement that the ethical situation brought to light; what information it would be helpful to have on hand in case a similar situation arises; and how they ultimately feel about their decision. According to the AASP, members should aim to maintain the highest standard of knowledge in their work (AASP, 1990, Principle A) and the ethical decision-making model from Welfel (2016) will help the professional reach this goal.

### **Code Application**

Several ethical dilemmas were clear in reviewing Elliott's case study and one of importance was an athlete's confidential medical information being shared inappropriately. The American Counseling Association (ACA) Code A.2.b. expresses the rights of the clients to decide how their medical information is shared and who has accessibility to this type of medical information. The AASP mimics this in code 18.b requiring the professional to be responsible in using discretion when discussing and sharing information that is relevant for the well-being of the client. Educating the medical staff regarding sharing and acquiring information about the medical history of the student athletes falls on the responsibility of the mental health professional. In one example, an athlete expressed concerns to Elliott when their private medical

information was shared with the coach which placed the athlete in an uncomfortable situation. Elliott explained to the athlete that this information can be productive, and the athlete seemed to agree; however, a *power differential* (Welfel, 2016) that occurs between a mental health professional and a client can blur the lines of the client's autonomy. Elliott explaining his view to the athlete on the spot does not give much time for the athlete to contemplate the decision and the athlete can be pressured to agree because Elliott is a superior. Collaborating with medical professionals is an ethical issue that Elliott understands is causing stress to the athletes and he has not taken any steps to change this dynamic. The athletes involved can also become embarrassed during sessions with Elliott if he knows medical information that is sensitive in this multiple therapeutic role (Welfel, 2016). These situations leave the possibility for awkwardness that distracts from productive services to the athlete.

Elliott not overseeing support staff became another ethical issue when the school's secretary shared an athlete's confidential scheduling history with the coach. Consulting with the ACA code B.3.a. shows the importance of confidentiality in the scheduling process, and it is the responsibility of Elliott to make this clear to the secretary. The athletes right to feel comfortable scheduling sessions with Elliott should be protected and is expressed in code AASP 18.a. When confidentiality is jeopardized, a client can lose trust in a professional and quit receiving services that are needed (Welfel, 2016). An athlete in this case study heard their coach speaking to the secretary regarding the athlete's appointment frequency and scheduling with Elliot. The athlete expressed their concern regarding the secretary sharing this confidential information with the coach. This situation places the athlete's confidentiality at risk and can have a negative impact on the athlete's emotional state.

Another ethical issue involves Elliott taking on multiple roles at the school and missing a support system in place to ensure he is acting ethically. The ACA code C.2.d reflects the importance in asking for advice from peers to help deal with the stress associated in working as a mental health professional. The AASP code 25 echo's the importance of the professional's responsibility to ask peers for feedback on ethical concerns as our views of personal performance can differ from outside opinions. Elliott is juggling multiple roles as a professional counselor, mental health coach, mentor to students, coordinating counseling groups, and distance counseling sessions. There was no mention in the case study of Elliott consulting with peers or supervisors to assess if he was keeping the best possible professional practices. Professionals can be unaware that there is a problem with boundary violations and working in multiple roles can place clients in a high-risk and low-benefit situation if not handled properly (Welfel, 2016). Professionals should strive to act in an ethical way and to challenge themselves to be proactive in assessing potential ethical issues.

The strained relationships Elliot has with the coach and school staff evolved into an ethical issue when it escalated to the point that it endangered the welfare of the athletes. The ACA code makes this a priority in section D in noting how the condition of the relationships with other team professionals can affect the quality of care provided to clients. For the athlete's best interests and well-being, communication and relationships between Elliott and the team professionals should be focused on (ACA Code D.1.c.). AASP code section 6 states the importance of avoiding harm to clients and Elliott may make an unethical decision and the *fiduciary relationship* with the athletes will be in jeopardy. The main goal in a therapeutic relationship with a client is to promote a client's well-being (Welfel, 2016). It will be challenging for Elliott to maintain a neutral stance in treating the athletes when his job has



been threatened by the coach. Elliott can unconsciously make decisions that are self-serving when the threat of losing his job is on the line. The relationship conflict between Elliott and the coach became strained when Elliott did not keep boundaries of his services and confidentiality rights of the athletes clear. Constantly monitoring boundary violations provides competent care to the client and is proactive in recognizing an ethical dilemma (Welfel, 2016).

Elliott working with two students as a mentor is another ethical concern as it is unclear if he has any training, experience, or is properly prepared for monitoring students. The ACA section F in the ethics code states the importance of supervision, training, and teaching in building worthwhile relationships with students. Specifically, ACA code F.2.a. states the supervisor should be trained and have experience to be properly prepared for monitoring students. The AASP code 13.b. supports these views in the importance proper training has for the professional to provide significant student experiences through constructive feedback and favorable guidance. It is unclear if Elliott is taking on a supervising role, mentoring the students, or if Elliott has any supervising experience. The students are studying athletic training which is a separate practice from Elliott's education in counseling and mental health coaching. This can become a conflict if Elliott teaches the students mental health techniques that will be outside of the scope of practice for an athletic trainer.

Elliott offering online services is another ethical concern as quickly advancing technology has given rise to accessibility for distance mental health services. The ACA recognizes the developing concerns in distanced counseling regarding the protection of client's confidentiality and the contrast in legal and ethical requirements in states (ACA ethics code, section H). In the case study, Elliott offers Skype and FaceTime sessions to maintain consistent counseling sessions with the athletes. Section H.2.d of the ACA code on online security stresses

the importance to place encryption standards that protects the confidentiality of the client on computers. It was unclear if Elliott made enough effort to secure the confidentiality of online counseling sessions in using FaceTime and Skype and not enacting other security measures. The AASP code 26.h. puts responsibility on the professional to understand the differing state laws when providing distanced mental health care services. If athletes travel frequently for competitions, it will be necessary to research the state laws before traveling or providing services to the athletes that will be in different locations.

### **Suggested Resolutions**

Elliott must gain consent with the athletes before becoming privy to private medical information as an athlete has the right to autonomy in deciding how this information is shared. Elliott's first step in this situation is to become aware of this ethical dilemma in that athletes can feel uncomfortable with Elliott knowing medical information such as drug usage and sexually transmitted infections. Elliott will then ask the athletes wishes regarding their feelings on this type of information being shared with him and use that knowledge to see if the team has been compromised. The main issue in this situation is the overlapping roles Elliot has and how the mismanagement of these roles has negatively impacted some of the athletes. Speaking to the support staff and medical team will minimize the risk of information regarding sensitive medical issues being shared and boundaries in clear professional roles should be outlined. Looking into the ethical codes in this situation Elliott would refer to ACA Code A.2.b. and AASP code 18.b as they both state the importance of how and when private medical information can be shared. Researching literature on topics of multiple roles for a mental health care provider and common practice in acquiring client's medical information will help collaborate this path. Applying the ethical principle of autonomy to this situation will help Elliott realize the importance of the

athlete's decision and adding in the principle of beneficence will enable Elliott to make the best decision for the well-being of the athlete. Having a support system of colleagues in place to speak to in these situations will help Elliott either secure his decision or show other possible decisions, paths, and outcomes. After contemplating all the relevant information Elliott has collected, a decision to respect the athlete's rights to autonomy is best for the athlete's well-being. Elliott will determine what best practices will appropriately separate medical information that will possibly cause relationship conflicts for the athletes from the information that is relevant to his job. Elliott will also speak privately with the athletes that have been affected by this situation and come to an agreement for the future on how this information will be shared. Elliott will collaborate with the coach, athletic director, student health center, and counseling center director on these new guidelines. Elliott will continue to check in on these guidelines to make sure there is ongoing implementation and reflecting on this ethical issue will help Elliott learn from his mistakes and hopefully not involve any athletes in the future.

Information surrounding the athlete's sessions with Elliott should be protected and all support staff directly involved in the scheduling process should be properly informed on why confidentiality plays such an important role for productive sessions. During Elliott's interview communication on confidentiality procedures was not discussed, and this turned into an ethical dilemma (Welfel, 2016). A staff educational program would be helpful for communication as support staff are not bound to the same ethical codes as a mental health professional and it becomes the job of Elliott to teach other professionals why this confidentiality is so important. Elliott should refer to state and federal laws on sharing medical information especially regarding minors and educate faculty, administrators, and coaches on this subject (Welfel, 2016). ACA code B.3.a. and AASP code 18.a. stresses the importance of confidentiality in the scheduling

process and rights of the athletes to feel comfortable scheduling sessions and any current literature should mimic these values of autonomy. After consulting with colleagues and educating coaches and secretary staff on the importance of confidentiality regarding the athletes' sessions, it will be time for ongoing reflection on this topic as it can be easy for one to slip up and give private information out without thinking.

Elliott needs to establish clear boundaries in his multiple roles and cultivate a colleague support group to reflect on ethical responsibilities. It is important to recognize that ethical issues can arise when juggling multiple roles and, in this case, negative outcomes occurred. Many stakeholders were affected by these unethical practices and if Elliott has a support group in place, he will have people to turn to for help. The ACA code C.2.d and the AASP code 25 states the importance in asking for advice from peers to help deal with the stress associated in working as a mental health professional and to gain feedback on ethical concerns as our views of personal performance can differ from outside opinions. Elliott needs professionals to turn to for positive discussion on how to manage boundaries and support for when ethical issues are first presented. Elliott will gather the information from the ethical codes, support groups, and research on the topic to map out how to keep his multiple roles separate by establishing clear boundaries. This will be discussed with the coach, athletic director, student counseling center director, and explanation on his need to keep his original role as a mental health consultant for the student athletes separate from counseling. This decision should be made without thought of his job being on the line and solely for the well-being of the athletes. If all parties accept this proposal Elliott will continuously monitor if he is pushing boundary lines by relying on his support group and if he ultimately loses his job, he will proactively put these boundaries into place in his next position.

Elliott will create clear communication with coaches, the athletic director, the student counseling center director, and athletes. The lack of sensitivity Elliott had in understanding the importance of working with other professionals at the school became an ethical issue when it hindered care to the athletes. To clarify the facts of this situation, Elliott will closely read through his original contract on his specified duties and set a meeting individually with each person that relates to his job description. The main issues of this situation involve what professional role Elliott has been hired on as and what the role has evolved into. Elliott will need to clearly communicate and set solid boundaries for the future of his work. It will also be important to connect with support staff showing reasons why private information cannot be shared and how boundary violations inhibit healthy mental health care sessions. The ACA code reflects this in section D where the condition of relationships with other team professionals can affect the quality of care provided to clients. For the athlete's best interests and well-being, communication and relationships between Elliott and the team professionals should be focused on (ACA Code D.1.c.). The ethical principle of nonmaleficence can also be applied in preventing risks to the athletes by establishing clear communication. Researching articles relating to other professionals working in similar settings or on steps to take in monitoring boundaries can help Elliott produce a productive plan. Elliott can potentially work with the counseling center to brainstorm ideas on ways to implement changes so everyone is given justice. It will take ethical courage on Elliott's part as his livelihood is on the line and should refer to his notes to see the decision out thoroughly and not be swayed by the coaches or the power of the athletic department.

Prior to mentoring any students Elliott will gain proper training and experience working closely with a mentor himself. The ethical codes are clear on this topic making it an ethical issue

if a professional is to take on mentees without being properly trained as it will not lead to productive mentoring due to a lack of constructive feedback and unfavorable guidance (ACA section F; ACA code F.2.a.; AASP code 13.b.). Researching websites of professional organizations can lead Elliott to proper training courses in mentoring and literature from professionals will educate Elliott in the matter. Finding a colleague with experience mentoring will help Elliott with any questions and guidance when he is ready to take on mentees. Constant reflection will be important to ensure the mentees are given proper training and to ensure he feels confident he is up to this task.

A proper telehealth plan and strict confidentiality measures should be immediately implemented by Elliott to safeguard against personal information being stolen. Elliott will need to understand how easy it is for confidential information and computers to be stolen or mishandled making this a serious ethical issue. Not only would the athlete's information be compromised, but also the information on Elliott's computer would be at risk. State laws can differ dramatically on providing telehealth services, and Elliott should research and thoroughly understand the state laws where he will be providing services as it can be illegal to provide services in another state. Elliott should also refer to his professional licensure website and contact the organization if he is unclear on the rules. Section H.2.d of the ACA code states the need to place online security encryption standards on a professional computer to protect the confidentiality of the client. The AASP code 26.h. puts responsibility on the professional to understand the differing state laws when providing distanced mental health care services. Research from ethical scholars on the subject will be important as telehealth laws change faster than ethical codes can keep up with. Also, as we have seen this past year a pandemic can force professionals to scramble to provide care to clients when face to face sessions cannot happen and having a plan in place can help with

a smooth transition into online services. Professional organizations will have updated information on their websites dealing with the everchanging laws and standards for telehealth services and Elliott should periodically check to make sure he is keeping up to date. FaceTime and Skype offer services for health professionals that are HIPPA compliant, and Elliott would be wise to speak to the counseling center for this enhanced subscription to provide virtual services for traveling athletes. Looking to Elliott's colleague support group he can find tips on how to properly secure his computer and creative means to make these services work. Constant reflection will ensure that Elliott offering virtual services to student athletes is continuing in the best practices of beneficence.

### **Summary**

A practicing mental health professional will frequently experience stress from multiple avenues and can feel like they are being pulled in different directions. It can become difficult to find balance between focusing on helping people daily and taking care of one's own well-being. What I have learned from this assignment was the importance of proactively having an ethical decision-making model in place that I feel comfortable referring to frequently while understanding differing laws and standards for the varying mental health professions. It is also of importance to have a support group of professional colleagues to help defeat feelings of stress in making difficult decisions. There is a lot of responsibility that falls onto the shoulders of a mental health professional, and it takes proactive care to keep clients and one's self healthy. Becoming a proficient professional will take ethical courage to see tough decisions through and will take self-care to manage stress. I have recently started walking with a professional friend and it has been comforting to talk through some of these scenarios and feel supported. Along with following ethical standards and codes, adding in ethical principles can help to make a sound

decision as codes and standards can be vague. The case study showed how even a well-meaning professional will encounter ethical issues when not careful. For example, Elliott wanted to separate mental performance consulting with counseling and the coach immediately pushed back and even bullied the idea of pulling funding for Elliott's position if he did not comply with their wishes. It seems likely that one can make an emotional decision or one that's self-serving if there is no preparation put into place on how to professionally think this through. Another interesting observation was how a comment from a secretary that meant no harm turned into a cascading event and ultimately caused friction in the relationship with Elliott and an athlete. I can see how proactively educating those involved in confidentiality rules is important when something so innocent can turn into a major ethical dilemma. Also, establishing clear communication with fellow professionals is important as this can lead to friction within support staff, and it is clearly stated in the ethical codes that this is an ethical issue. Working alongside coaches, secretaries, athletic departments, and other mental health professionals requires a team effort as one may not work alone. It was easy to step back and look at Elliott's situation and say that he had taken on too much; however, when you are close to the situation it would be difficult to notice. This is where support from a professional group of peers would be helpful to give outside opinions that we might not see ourselves. The support group might have asked Elliott if he felt like he was juggling too much and if he honestly thinks everyone is getting the best possible care, including himself. Researching deeper into virtual laws and guidelines was eye opening as it is everchanging and one needs to be up to date on security and ongoing effectiveness of care. I currently provide virtual services to personal training clients and the laws differ greatly with mental health professionals. This assignment taught me that proactively having protocols in



place while constantly monitoring possible ethical issues and the status of my own health will enable me to better handle the intense responsibilities of being a mental health professional.

## References

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