

CHAPTER 2: ETHICAL AND LEGAL ASPECTS OF COUNSELING

KEY TERMS

Ethics

Morality

Autonomy

Nonmaleficence

Beneficence

Justice

Fidelity

Veracity

Mandatory ethics

Aspirational ethics

Law

Duty to warn

Tarasoff v. Board of Regents of the University of California

ACA Code of Ethics (2014) Confidentiality

Marginalization

Separation

Assimilation

Integration

Guidelines for Acting in Ethically Responsible Ways

Statutes

Case law

Civil law

Administrative law

Duty to care

Privileged communications

Practice act counseling statutes

Tort

Negligence

Malpractice

Administrative law

Health Insurance Portability and Accountability Act (HIPAA)

Expert witness

Court order

Due care

Privacy

Confidentiality

Disclosure

Informed consent

Free consent

Professional competence

Bracket

Capacity

Standards of care

Synchronous counseling

Asynchronous counseling

Multicultural Competencies and Standards

QUESTIONS

Multiple Choice Questions

1. Which of the following, according to Van Hoose & Kottler (1985) is “a philosophical discipline that is concerned with human conduct and moral decision making” (p. 3).
 - a. Morality
 - b. Law
 - c. Ethics
 - d. Autonomy
2. Which of the following involves judgment and evaluation of actions and is associated with words such as *good, bad, right, wrong, ought, and should*?
 - a. Morality
 - b. Law
 - c. Ethics
 - d. Autonomy
3. All of the following are moral principles described by Kitchener (1984) *except*
 - a. Nonmaleficence
 - b. Beneficence
 - c. Autonomy
 - d. Capacity
 - e. Fidelity
 - f. Justice
4. A counselor struggles between protecting a client’s welfare and respecting a client’s freedom of choice and action. The counselor is struggling with which two moral principles?
 - a. Fidelity and Autonomy
 - b. Justice and Autonomy
 - c. Capacity and Nonmaleficence
 - d. Beneficence and Autonomy
 - e. Nonmaleficence and Autonomy
5. A counselor who unintentionally harms a client would be breaking which moral principle?
 - a. Beneficence
 - b. Justice
 - c. Capacity
 - d. Nonmaleficence
 - e. Fidelity
 - f. Autonomy
6. Counselors who do not fulfill their obligations to clients are breaking which moral principle?
 - a. Beneficence
 - b. Justice

- c. Capacity
 - d. Nonmaleficence
 - e. Fidelity
 - f. Autonomy
7. Which of the following ethical practices refers to truthfulness and integrity?
- a. Autonomy
 - b. Capacity
 - c. Veracity
 - d. None of the above
8. Mandatory ethics are followed when clinical mental health counselors
- a. Make decisions based on internalized principles and ideals of the profession, not just external considerations.
 - b. Comply with the required minimal standards of the profession.
 - c. Judge or evaluate their professional actions through a spiritual or religious lens.
 - d. All of the above.
 - e. None of the above.
9. Aspirational ethics are followed when clinical mental health counselors
- a. Make decisions based on internalized principles and ideals of the profession, not just external considerations.
 - b. Comply with the required minimal standards of the profession.
 - c. Judge or evaluate their professional actions through a spiritual or religious lens.
 - d. All of the above.
 - e. None of the above.
10. Which of the following refers to a set of rules that governs particular activities in society?
- a. Ethics
 - b. Morals
 - c. Law
 - d. Categorical imperative
11. Which of the following is true concerning the relationship between ethical codes and the law?
- a. Ethical codes are not intended to supersede the law; they typically clarify existing law and policy.
 - b. The law is not intended to supersede professional ethical codes; they typically clarify existing ethical codes and policies.
 - c. Regardless of what the law states, ethical codes, which are defined by the profession and for the profession, should be followed.
 - d. None of the above.
12. Which of the following, according to Welfel (2016) is the key reason for having ethical codes?
- a. To codify the nature of ethical responsibilities and to justify the mission of an organization

- b. To establish norms and expectations for practitioners, thereby minimizing the risk of harm to others
 - c. To provide explicit answers to difficult questions
 - d. All of the above
13. All of the following are true regarding ethical codes *except*
- a. Ethical codes are necessary and sufficient for promoting ethical behaviors.
 - b. No ethical code can address every situation or potential dilemma.
 - c. Some codes are ambiguous, making them open to interpretation
 - d. Enforcing ethical codes is difficult
 - e. There may be conflicts within the ethical codes as well as among different organizations' codes.
 - f. Sometimes conflicts arise between ethical and legal codes.
14. According to the 2014 *ACA Code of Ethics* counselors are restricted from engaging in romantic or sexual relationships with clients for at least how many years after the termination of the counseling relationship?
- a. 2 years
 - b. 3 years
 - c. 5 years
 - d. Counselors are restricted, in all cases, by the 2014 *ACA Code of Ethics* from engaging in romantic or sexual relationships with clients.
15. At which step of Wheeler and Bertram's (2015) Legal and Ethical Decision-Making Model would a counselor consult the 2014 *ACA Code of Ethics*?
- a. Step 1
 - b. Step 2
 - c. Step 3
 - d. Step 4
 - e. Step 5
16. Court cases based on rulings that interpret a law according to a specific case establish what is known as
- a. Case law
 - b. Civil law
 - c. Criminal law
 - d. Tort
17. Which of the following best represents the ruling in the 1993 Napa County, California case involving Gary Ramona?
- a. The case was decided on the duty to care legal concept—a legal obligation of health providers to not act negligently.
 - b. The case was decided on the duty to warn legal concept—a legal obligation to protect potential victims from dangerous clients
 - c. The case was decided based on the privileged communication concept—a legal obligation to protect communication between counselor and client.
 - d. None of the above.

18. In which legal case did the court maintain that communications between licensed psychotherapists and their patients are privileged and do not have to be disclosed in cases held in federal court?
- 1993 Napa County, California case
 - Jaffee v. Redmond*
 - Tarasoff v. Board of Regents of the University of California*
 - None of the above
19. Which of the following is a term that refers to a wrong that legal action is designed to set right?
- Criminal law
 - Case law
 - Tort
 - Administrative law
20. Which of the following refers to situations in which a mental health professional does not carry out his or her responsibilities in accordance with the standards of care outlined by the profession?
- Conscription
 - HIPAA
 - Negligence
 - All of the above.
21. All of the following represent areas of potential malpractice for counseling *except*
- Failing to take action when someone other than the client is in danger
 - Improperly certifying a client in a commitment hearing
 - Providing services for which competence has not been established
 - Breaching confidentiality
 - Promising a “cure”
 - All of the above are potential examples of malpractice
22. Which of the following terms refers to a client’s legal right to determine what information about himself or herself will be shared with others?
- Beneficence
 - Autonomy
 - Privacy
 - Confidentiality
23. A professional’s promise not to disclose information revealed during the privacy of the counselor-client relationship, except under specific mutually understood conditions, is called
- Privacy
 - Privileged communication
 - Confidentiality
 - Justice
24. In which legal case did the court rule that counselors need to take reasonable action to help protect potential victims from dangerous client?
- 1993 Napa County, California case
 - Jaffee v. Redmond*

- c. *Tarasoff v. Board of Regents of the University of California*
- d. None of the above

25. Online counseling that occurs during the moment of connection is called
- a. Synchronous counseling
 - b. Skype counseling
 - c. Asynchronous counseling
 - d. Voice over IP (VoIP)

Essay questions

1. Discuss the purpose of ethical codes, as well as potential limitations.
2. Describe five changes made to the 2014 *ACA Code of Ethics*.
3. List and describe the eight steps of Wheeler and Bertram's (2015) Legal and Ethical Decision-Making Model.