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Presented to

CES 755 Advanced Group Counseling
Regent University

Ethics Case Presentation



The Situation



- **Dr. Elliott** practices psychotherapy in a small suburb of Nashville, Tennessee where he utilizes individual, family, and group counseling methods to foster mental health in his patients. He is a practicing Christian and considers himself to be a spiritually-minded person.
- He does conjoint marital therapy with many couples, including **Sally** and **Jim**, and **Michael** and **Jane**.
- During an individual session, **Sally** discloses to Dr. Elliott that she is having an affair with **Michael**, who is also a member of Dr. Elliott's therapy group for those with issues of same sex attraction.
- Sally's husband **Jim** is unaware of the affair.
- Michael's wife **Jane** is also unaware of the affair.
- The couples have no other connection to one another.
- Dr. Elliott knows that **Sally's secret is affecting the work done by both couples in marital therapy.**
- Dr. Elliott wonders **how to protect the confidentiality of all parties involved**, especially if Michael decides explore to his interpersonal relationships more deeply in group.
- **What does Dr. Elliott do with Michael and Sally's secret?**

The Dilemma



- How does Dr. Elliott honor confidentiality of all clients, especially now that he knows Sally's secret?
- Is there a possible role conflict due to Michael's being in group and conjoint marital therapy?
- Does Dr. Elliott have a duty to warn Jane or Sally because of the potential danger of Michael acting on his sexual attraction towards other men? How does he protect his clients?
- How can Dr. Elliott have proper respect for privacy for Michael's situation? Should he ask Michael about his risky sexual behaviors? If so, should he ask this in marital, group, or an individual session?
- What should Dr. Elliott do with respect to consultation with other therapists or his attorney?
- Should Dr. Elliott refer certain clients to some other therapist? If so, which clients should he refer?

ACA Ethical Guidelines (2005)



<u>Ethical Issue</u>	<u>Code Section</u>	<u>Summary of Ethical Guideline</u>	<u>Source of Dilemma</u>
Confidentiality	<ul style="list-style-type: none"> •B.1.d.c Respect for Confidentiality •ASGW A.6 & A.7 	<ul style="list-style-type: none"> •Counselors do not share confidential information without client consent or without sound legal or ethical justification. 	<ul style="list-style-type: none"> •Revelation by Sally of her secret affair with Michael affects Dr. Elliott's several other clients and the group.
Role Conflict	<ul style="list-style-type: none"> •A.5.e Role Changes in the Professional Relationship •A.7 Multiple Clients 	<ul style="list-style-type: none"> •When counselors change their role in service delivery, clients have a right to refuse services related to the change... •If counselor sees conflicting roles, counselor should clarify, adjust, or withdraw from roles... 	<ul style="list-style-type: none"> •Dr. Elliott sees Michael in two therapy venues: group and marital.
Duty to Warn/Protecting Clients	<ul style="list-style-type: none"> •A.4.b Avoiding Harm •A.8.b Protecting Clients (Group) & ASGW B.4/B.9 •B.2. Exceptions (ACA) 	<ul style="list-style-type: none"> •Counselors act to avoid harming clients... •B.4.a Group Work / B.4.b Couples & Family •Some exceptions: Foreseeable harm, contagious or life-threatening disease 	<ul style="list-style-type: none"> •Michael's potential same-sex behavior could expose Sally and Jane to health risks. •Conflict with HIPAA law
Therapist's Personal Values	<ul style="list-style-type: none"> •A.4.b Personal Values 	<ul style="list-style-type: none"> •Counselors are aware of their personal values, attitudes, beliefs, and behaviors and avoiding imposing values that are inconsistent with counseling goals. 	<ul style="list-style-type: none"> •Dr. Elliott's biblical view of sex (only in a monogamous marriage between a man and woman).
Privacy	<ul style="list-style-type: none"> •B.1.b Respect for Privacy 	<ul style="list-style-type: none"> •Ask client to reveal private information only if beneficial to counseling process 	<ul style="list-style-type: none"> •Dr. Elliott may want to ask Michael his "safer-sex" practices
Consultation	<ul style="list-style-type: none"> •H.2.d Consultation 	<ul style="list-style-type: none"> •Seek advice with colleagues and/or authorities 	<ul style="list-style-type: none"> •Question of proper course of action
Referral	<ul style="list-style-type: none"> •A.11.b Inability to Assist Clients •A.11.c Appropriate Termination •A.11.d Appropriate Transfer of Services 	<ul style="list-style-type: none"> •Counselors refer if they cannot help clients. If client refuses referral, then counselor should discontinue work with the client. •Counselor ensure appropriate clinical/administrative processes are completed when referring or transferring clients. 	<ul style="list-style-type: none"> •Question of whether Dr. Elliott can continue couples therapy with Sally/Jim with the "secret" unexplored. Same with his work with Jane/Michael and Michael's participation in the group.

Some Possible Courses of Action



<u><i>Ethical Issue</i></u>	<u><i>Dr. Elliott might choose to...</i></u>
Confidentiality	<ul style="list-style-type: none"> • Say nothing about Sally's secret to anyone to protect Sally's confidentiality. • Convince Sally to authorize him to speak with Michael about the affair.
Role Conflict	<ul style="list-style-type: none"> • Stop seeing Michael and Jane because of Michael's involvement in the group. • Refer Michael to another group to work on his same-sex attraction issue. • Make no changes in therapy roles.
Duty to Warn/Protecting Clients	<ul style="list-style-type: none"> • Act to protect Jane from harm of contracting a possible STD. If Michael acted out on his same-sex attraction, he may contract HIV and pass it on to his wife or to Sally, then on to Sally's husband. • Do nothing.
Therapist's Personal Values	<ul style="list-style-type: none"> • Encourage Michael to be faithful in his marriage and to work through his same-sex attraction • Encourage Sally's commitment to her marriage by her ending the affair • Stay as value-neutral as possible
Privacy	<ul style="list-style-type: none"> • Ask Michael about any other sexual behavior, especially any relationships with other men. • Inquire about health issues related to Michael's sexual behavior.
Consultation	<ul style="list-style-type: none"> • Seek advice with colleagues and/or seek supervision. • Consult with an attorney (maybe through his professional organization).
Referral	<ul style="list-style-type: none"> • Refer Sally and Jim to another counselor, but could not disclose the reason. • Choose to continue therapy with the two couples and the group as if he was unaware of Sally and Michael's affair.

Our Solution



- **We suggest that Dr. Elliott...**
 - Not break confidentiality, but to encourage Sally to disclose the affair in counseling,
 - Make no changes in therapy roles,
 - Has no duty to warn,
 - Encourage Michael to be faithful in his marriage and to work through his same-sex attraction and encourage Sally's commitment to her marriage by her ending the affair
 - Respect Michael's privacy concerning his sexual activities (but ask appropriate questions about his "safer-sex" habits,
 - Consult with colleagues on these issues, and
 - Continue therapy with all parties (as long as the affair between Sally and Michael did not continue).
- Cultural considerations in making these ethical decisions.



Sources Consulted

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