

June 24, 2008

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State Board of Social Workers, Marriage and Family Therapists
and Professional Counselors
P. O. Box 2649
Harrisburg, PA 17105-2649

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Board:

I am writing to offer comments on the proposed Code of Ethical Practice and Standards of Professional Conduct for Licensed Professional Counselors, published in the Pennsylvania Bulletin, Vol. 38, No. 24, June 14, 2008, Reference No. 16A-6911, Standards of Professional Conduct. I am writing as Chair of the North Atlantic Region of the American Counseling Association, the region that includes Pennsylvania. The American Counseling Association (ACA) is the leading professional association for counselors in the United States, with more than 40,000 members nationwide and 2300 members in Pennsylvania.

First, I would like to recognize the work that went into putting together this proposed code. It is clear that a lot of careful thought and research went into developing the proposed code and, on the whole, I believe that the code will serve Licensed Professional Counselors and the public well. There are, however, a few comments I would like to offer that I believe can strengthen the code. All of my comments refer to section 49.71, with application to licensed professional counselors.

With respect to section (a)(3), I would encourage the Board to also include the code of ethics of the American Counseling Association among the codes it subscribes to. The code can be accessed at <http://www.counseling.org>. As I previously indicated, the American Counseling Association is a major professional association for counselors, including many professional counselors in Pennsylvania. Since ACA members are expected to adhere to the Code of Ethics of the American Counseling Association, it is important that professional counselors who belong to ACA and are licensed in PA be able to work with codes of ethics that are consistent with each other.

Although the proposed code covers many important areas, I notice that one critical area seems to be missing. Despite a rather lengthy and thorough section on research, I see virtually nothing on assessment. Professional counselors are routinely called upon to do assessment of clients. Indeed, no treatment plan can be developed without some level of assessment of clients. Furthermore, assessment results can have serious and long-term ramifications for clients. It is thus critical that counselors who perform assessments have ethical standards to follow and be held accountable for. I would direct the Board to the ACA Code of Ethics, Section E, Evaluation, Assessment, and Interpretation, for a model of what such coverage might look like.

I also notice that there is no section on supervision and/or education and training. Given that the criteria for licensure include requirements pertaining to both education and supervision, this omission seems glaring since many Licensed Professional Counselors are likely to be involved as either teachers/trainers or supervisors or both. I would direct the Board to the ACA Code of

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Ethics, Section F, Supervision, Training, and Teaching for an example of what such coverage might include.

Another critical section that seems to be missing is one that forbids sexual or romantic relationships with current or former clients, students, supervisees, or family of clients, students, or supervisees. Almost all of the codes of ethics of the major mental health professional associations now forbid such conduct. Some associations ban such relationships permanently; others ban them for a period of specified years after the professional relationship ends. Although the proposed code does appropriately address sexual harassment, this is distinct from sexual or romantic relationships. The ACA Code of Ethics addresses this issue in multiple sections because it is so important.

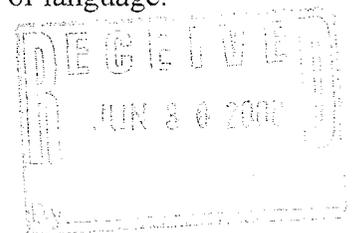
Throughout the proposed code, there are references to licensee's education, training, and experience. I would encourage the Board to qualify "experience" by referring to "professional experience." Licensees may have all kinds of experience related to the work that they do as counselors, sometimes experience as clients themselves. Although this can be valuable, it is not comparable to professional experience, which, it appears, is what the Board intends.

I found section (b)(2)(iv) somewhat confusing in its reference to clients receiving services involuntarily. Most codes of ethics require that somebody, the client if she or he is of appropriate age and capable, a legal guardian if not, sign informed consent before any therapeutic relationship is established. Although some clients might be "mandated" to treatment, they generally have the option of refusing, although it might mean serious consequences that are considerably less appealing than counseling. Thus, the very act of signing informed consent, in essence, makes counseling "voluntary," again, recognizing that it might not always feel that way to the client. It is not clear what this section is intended to convey.

Although section (b)(5), Termination, implies that counselors not abandon their clients, it would be helpful to articulate this directly.

Including a section such as (b)(7) Discrimination is consistent with most codes of ethics; however, I would encourage the Board to consider changing the name of the section to "Nondiscrimination" to more clearly articulate the intent of the section. I would also encourage the Board to add "gender identity" to the list, which is in keeping with other codes. I would also encourage the Board to go beyond expecting nondiscriminatory behavior to also expecting competent and affirmative behavior in working with diverse populations. Again, most of the codes of ethics are now doing this. See the ACA Code of Ethics, Section C, Professional Responsibility, C.2.a for an example. The ACA code also addresses expectations of competence in working with diverse populations in other sections such as assessment, education and training, and research, as well.

I could find nothing in section (b), Responsibility to Clients/Patients, that articulate that licensees are expected to use counseling modalities that show evidence of being effective. The ACA Code of Ethics, Section C, Professional Responsibility, C.6.e. provides an example of language.



With respect to the section (e), Research and Publication, in the proposed code, I would like to address section (e)(2)(ii), Prohibition of Deception. Although I agree with the Board's concern with protecting research participants and agree the deception should be avoided whenever possible, this total prohibition is not in keeping with current regulations. There are times when deception is necessary and even beneficial in research. The important thing is that counselors conducting such research provide a clear rationale for deception, a plan for ensuring that participants are in no way harmed due to the deception, and provide a plan for debriefing them after their participation in the research has ended. The ACA Code of Ethics addresses this in Section G, Research and Publication, G.2.b., Deception.

Thank you for your work on putting together this proposed Code of Ethics for Licensed Professional Counselors in Pennsylvania and for your consideration of these comments, which are intended to further strengthen this important document.

Sincerely,



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