

PSYCHOLOGY AND RESEARCH IN EDUCATION (PRE) 880
Legal, Ethical and Professional Issues in Counseling Psychology
Spring Semester, 2008

Line # 64633

Instructor: James W. Lichtenberg

Office hours: Tuesday 3:30-4:30 or by appointment (please contact instructor). NOTE: My office is 214C JRP Hall; it is not located among the other PRE faculty on the 6th floor. Please come to the Welcome Ctr. (**Rm. 208 JPR**) for appointments or to see me during office hours.

Phone: (785) 864-9656

Email: jlicht@ku.edu

Schedule: Thursdays, 8:30-11:20

Room: 142 JR Pearson Hall

Description: An examination of legal, ethical and professional principles, standards and issues affecting the practice of professional counseling and psychology. Topics include judicial, legislative/statutory, and “healthcare industry” regulation of the profession, ethical standards of the counseling profession, standards for professional practice, and issues of practice liability and risk management.

Texts/Readings:

Haas, L., & Malouf, J. (2005). *Keeping up the good work: A practitioner's guide to mental health ethics* (4th ed.). Sarasota, FL: Professional Resource Exchange. (hereafter cited as **Haas**)

Pope, K. & Vasquez, M. (2007). *Ethics in psychotherapy and counseling: A practical guide* (3rd ed). New York: Wiley. (hereafter cited as **Pope**)

Additional assigned required readings are available on-line through the KU libraries or as PDF files in the PRE 880 public folder in OUTLOOK_(hereafter cited as **OLF**; see information on Outlook public folder for this class at the conclusion of this syllabus). Reference citations have been included with this syllabus.

Other additional readings may be assigned in advance of class sessions. Copies of the readings either will be provided in class or posted in the **OLF**).

** Regardless of whether you make copies of the other readings, all students should have their own copies of the following codes, guidelines, and standards. You are asked to bring these materials with you to each class sessions so that we may refer to them as needed during our in-class discussions.

1. Ethical Standards: American Counseling Association (2005) (available in the PRE 880 OUTLOOK Public Folder)
2. Ethical Principles of Psychologists and Code of Conduct: American Psychological Association (2002) (see Appendix D of **Haas & Malouf**; also in available in PRE 880 OUTLOOK Public Folder)

3. Kansas Statutes (KSA) and the Rules/Regulations (KAR) governing the credentialing of Professional Counselors, Masters-Level Psychologists, and Psychologists (available for downloading at www.ksbsrb.org)

Grading: Grading will be **A-F** (plus/minus) and will be based on (a) two examinations—a midterm and a final, (b) a semester project (see attached), and on (c) regular class attendance and informed class participation. Please refer to <http://www.ku.edu/~unigov/usrr.html#art2sect6> for the University's policy on academic misconduct.

Regarding grades: Graduate School policy states that “the letter **I** [*incomplete*] is used to indicate coursework that has been of passing quality, some part of which is, for good reason, unfinished.” If you anticipate that you can't complete the work for the class and don't have a legitimate reason (e.g., a documented medical condition, or some other personal/family condition that prevents completion of the course requirements on time), please withdraw from the course; otherwise, missing work must be graded as **E**. In all cases, **incomplete grades must be discussed with me beforehand and a time certain set for completion of any missing work.**

Exams. (70%) Each examination will involve some combination of multiple choice and/or short answer identification items to assess general factual recall. Each will also include one or more essay-type questions which will involve the integration and application of facts and principles. Students are to bring a clean "blue book" (available at the Student Union) to each exam for recording their responses to the essay questions. Unless otherwise designated as take-home exam or rescheduled, **the final exam for this class will be held on Thursday, May 15th, from 7:30-10:00am in our usual classroom**—this is in accordance with the University's final exam schedule (**Spring '08 on-line Timetable**).

Paper. (30%) Each student will submit a semester project/paper--specifically a critical review of literature on, scholarly commentary about, or empirical investigation of a course-relevant ethical, legal or other professional issue in professional psychology. Resources for the preparation of the paper include your required course readings (and references contained therein); however, other primary sources (books/chapters and periodicals/articles) relevant to the topic should be consulted and reviewed for the paper. Especially useful periodicals include: Professional Psychology: Research and Practice, American Psychologist, Psychotherapy, The Psychotherapy Bulletin, The Independent Practitioner, The Clinical Psychologist, Behavioral Sciences and the Law, Register Report, Journal of Counseling and Development, Psychotherapy Bulletin, the APA Monitor, the National Counselor, certain "special issues" of The Counseling Psychologist, and law reviews (available in the Law Library [Green Hall]). The internet also provides resources that may be useful to you. (Ken Pope's website at <http://kspope.com/> is a good resource for many of his publications in the area of ethical and legal issues in therapy.) But do not limit yourself to these resources. Maximum length of the paper is 25 pages (including the cover page, abstract, and references), so limit the scope of your topic or issue. There is no minimum length for the paper, but papers should well-researched and documented and provide a thorough coverage of the topic (which probably means at least 15 pages). Note: It is better to select a narrow topic and cover it completely than an overly broad topic that can be covered only superficially. Suggested areas for consideration (by no mean exhaustive) include ethical and legal issues related to

- teaching
- therapist (and student-therapist) competence
- testing/assessment
- risk management
- psychotherapy (esp. “fringe” approaches)
- confidentiality, privileged communication
- dangerousness
- children and vulnerable adults
- special settings (e.g., military, rural communities, court)

- individual differences (gender, race, ethnicity, religion)
- conflicts of interest (e.g., dual roles, sexual attraction and relationships)
- documentation and record keeping
- financial issues
- advertising
- managed care
- telecommunications, the internet
- repressed memories

Paper format. Papers are to be typed, double-spaced throughout, with one-inch margins on all sides. **Include a short abstract** of your paper on the cover page of your paper. Each page of the paper (including the title page) should be numbered in the upper right hand corner and include a short APA-style heading (e.g., your last name) on each page. Reference citations and listings should conform to current APA format. Include only those references you use/cite in your paper. Please proof-read your paper carefully for spelling and grammatical errors. Poorly written papers will receive lower grades regardless of content. Grades for late papers will be lowered one grade for every day they are late. Staple your paper once in the upper left-hand corner; do not use a binder. Although graded papers will be returned, students are advised to retain a copy of their submitted paper for their records.

Paper presentation: Each student will share a brief (5-10 minute) informal summary of her/his paper and provide classmates with a one-page outline of the most salient parts of the research/topic.

Class email distribution list: An OUTLOOK email distribution list has been created for this class. Access to/use of the list is restricted to students enrolled in the class. The list allows the instructor to forward information and comments to all students in the class; it presumes that all students in the class have a registered email address with the University. Enrolled students may also send and respond to messages posted on this list. Information regarding the list is provided at the conclusion of this syllabus.

Note: Any student in this course who has a disability that prevents the fullest expression of her/his abilities or effort should contact me personally and as soon as possible so that we can discuss the appropriate accommodations necessary to complete the course requirements.

The following is a tentative schedule of topics and readings. The pacing and/or sequencing of the topics and readings may vary somewhat during the course of the semester, but the schedule below should be "in the ball park." Even if the schedule "drags" a bit, please keep up with the assigned reading. Note the dates for examinations and projects; these are actual dates -- not approximations.

DATE

TOPICS AND READINGS

Jan. 17	Introduction and overview: Sources of professional regulation and issues of professional risk management Readings: <none> <u>Video:</u> "My therapist, my lover"
Jan 27	Legal liability in counseling and psychotherapy: Concepts and issues Readings: <none>
Jan. 31	Legal liability in counseling and psychotherapy (cont.) Readings: Haas <none> Pope (Chapt. 7, 8)

OLF (5)

- Feb. 7 Legal regulation: Registration, certification and licensure
 Readings: **Haas** <none>
 Pope <none>
 OLF (20, 21, 22)
- Feb. 14 Legal regulation: Registration, certification and licensure (cont.)
 Readings: **Haas** <none>
 Pope <none>
 OLF (20, 21, 22)
 Assignment: complete BSRB application/forms for licensure (www.ksbsrb.org)
 and bring completed forms to class
- Feb. 21 Ethical standards and standards of professional practice: The professions' rules of
 professional conduct
 Readings: **Haas** (chapt. 1)
 Pope (chapters. 1, 2, 3, revisit 7)
 OLF (1, 2 ,18)
- Feb. 28 Ethical principles and ethical decision making in counseling
 Readings: **Haas** (chapt. 2)
 Pope (chapt. 9)
 OLF <none>
- Mar. 6 Midterm examination**
- Mar. 13 Privacy, confidentiality, privilege and informed consent
 Readings: **Haas** (chapters. 4, 5, 15, Appendix E)
 Pope (chapters. 11, 16)
 OLF (Optional: 11)
- Mar. 20 Spring Break**
- Mar. 27 Duty to warn/duty to protect--danger to others/danger to self*
 Readings: **Haas** (chapt.7)
 Pope (chapt. 17)
 OLF (14, 15, 16, 17)
- Apr. 3 Dual relationships with clients (sexual and non-sexual)
 Readings: **Hass** (chapt. 6)
 Pope (chapters. 13, 14)
 OLF (12)
- Apr. 10 Guidelines for the provision of services to special groups and populations
 Readings: **Haas** <none>
 Pope (chapt. 15)
 OLF (Optional: 3, 4, 7, 8)
- Apr. 17 The business of professional psychology and issues related to the management of a
 professional practice: Competency, colleagues, managed care, and finances
 Readings: **Haas** (chapt. [3, 8, 9], [11, 12])
 Pope (chapters. 4, 5, 6)
 OLF (9, 13)

Apr. 24 The business of professional psychology and issues related to the management of a professional practice: Record keeping, assessment, termination/referral
Readings: **Haas** (chapt. 10, 13)
Pope (chapt. 10, 12)
OLF (6) (Optional: 10, 19)

May 1 Issues related to research
Readings: **Haas** (chapt. 16)
Pope (chapt. 7, 14) (Optional: 15)
OLF <none>

Assignment: brief paper presentation (with one-page outline); see syllabus for description of the assignment

May 8 Wrap-up

Assignment: brief paper presentation (with one-page outline); see syllabus for description of the assignment

Papers due at the beginning of class.

Stop Day is Friday, May 9th

May 15 FINAL EXAM)

Unless otherwise designated as take-home exam or rescheduled, the exam will be administered from **7:30-10:00am**

Reading list: (readings in parentheses are suggested but optional)

1. American Counseling Association (2005). ACA Code of Ethics and Standards of Practice. Alexandria, VA: American Counseling Association.
2. American Psychological Association (2002). Ethical Principles of Psychologists and Code of Conduct. Washington, DC: American Psychological Association.
- (3) American Psychological Association (1993). Guidelines for providers of psychological services to ethnic, linguistic, and culturally diverse population. American Psychologist, 48, 45-48.
- (4) American Psychological Association (2003). Guidelines on multicultural education, training, research, practice, and organizational change for psychologists. American Psychologist, 58, 377-402.
5. American Psychological Association: Committee on Legal Issues (1996). Strategies for private practitioners coping with subpoenas or compelled testimony for client records or test data. Professional Psychology: Research and Practice, 27, 245-251.
6. American Psychological Association, Committee on Professional Practice and Standards (1993). Record keeping guidelines. American Psychologist, 48, 984-986.

- (7) American Psychological Association (Division 17, Counseling Psychology) (1978). Principles concerning the counseling and therapy of women. Washington, DC: American Psychological Association.
- (8) American Psychological Association (Division 44) (2000). Guidelines for psychotherapy with lesbian, gay and bisexual clients. American Psychologist, 55, 1440-1551.
9. Applebaum, P. (1993). Legal liability and managed care. American Psychologist, 48, 251-257.
- (10) Barnett, J. E. (1993). Documentation guidelines and ethical practice in psychotherapy. The Psychotherapy Bulletin, 28(4), 35-39.
- (11) Braaten, E. B., Otto, S., & Handelsman, M. M. (1993). What do people want to know about psychotherapy? Psychotherapy, 30, 565-570.
12. Gottlieb, M. C. (1993). Avoiding exploitive dual relationships: A decision-making model. Psychotherapy, 30, 41-48.
13. Haas, L., & Cummings, N. (1991). Managed outpatient mental health plans: Clinical, ethical and practical guidelines for participation. Professional Psychology: Research and Practice, 22, 45-51.
14. Kleespies, P., Deleppo, J., Gallagher, P., & Niles, B. (1999). Managing suicidal emergencies: Recommendations for the practitioner. Professional Psychology: Research and Practice, 30, 454-463.
15. Knapp, S., & VandeCreek, L. (1983). Malpractice risks with suicidal patients. Psychotherapy: Theory, research and practice, 20, 274-280.
16. Knapp, S., & VandeCreek, L. (1990). Application of the duty to protect to HIV-positive patients. Professional Psychology: Research and Practice, 21, 161-166.
17. Melchert, T., & Patterson, M. (1999). Duty to warn and interventions with HIV-Positive clients. Professional Psychology: Research and Practice, 30, 180-186.
18. Pipes, R., Holstein, J., & Aguirre, M. (2005). Examining the personal-professional distinction: Ethics codes and the difficulty of drawing a boundary. American Psychologist, 60, 325-334.
- (19) Soisson, E., VandeCreek, L., & Knapp, S. (1987). Thorough record keeping: A good defense in a litigious era. Professional Psychology: Research and Practice, 18, 498-502.
20. State of Kansas. (**current**). Licensed Professional Counselors statutes, plus amendments (also Permanent rules and regulations) (<http://www.ksbsrb.org>)
21. State of Kansas. (**current**). Licensed Masters Level Psychologists, plus amendments (also Permanent rules and regulations) (<http://www.ksbsrb.org>)
22. State of Kansas. (**current**). Licensed Psychologist, plus amendments (also Permanent rules and regulations) (<http://www.ksbsrb.org>)

PRE 880 Distribution List:

- **Display Name:** The Display Name is how the list appears in Outlook's Address Book.
PRE880 (64633) Sp08 - DL
 - **Email address:** To send an email to the list from another email program besides Outlook, use this email address.
pre880_64633sp08_dl@mail.ku.edu
 - **Email Access Restrictions:**
open only to those enrolled in the class
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PRE 880 Public Folder:

- **Name:** The name of the public folder is comprised of several elements of the course label and line number, beginning with the department code and course number, followed by the line number of the section
- **Location:** All course-related Public Folders are placed together in the same branch of the Public Folder hierarchy. To locate the **PRE 880** folder, look in:
 - Public Folders
 - All Public Folders
 - Courses
 - [Semester]
 - [Dept Name: Psych & Rsrch in Educ]
 - [Course Folder Name: PRE 880]
- **Visibility:**
Visible only to members of the Distribution List *PRE880 (64633) Sp08 - DL*