# Locating and Integrating State Laws and Ethical Codes

State laws and ethical codes are crucial in the counselling profession. It is important to understand them as well as identify reliable sources from which one can get them since they can be used as a guide in the counselling profession. Being conversant with relevant laws and ethical codes guides a professional counsellor on how to get the required certifications, how to perform the counselling practice in an acceptable way and to deal with upcoming or unexpected issues.

The paper seeks to address the above mentioned issues. It is sectioned into three main sections. The first section describes ethical standards that have been derived from two ethical codes, two from each. The standards are chosen as those that stand out and are described briefly. Additionally, a strategy is given as to how one can keep up to speed with updates on such standards. The second part of calche paper documents the location of Michigan state laws associated with counselling. These laws relate to certification of counsellors, as well as guides to the counselling practice. This section describes where such laws can be found, and how one can stay informed as and when they change. A third part identifies issues that may be associated with counselling in Michigan, and whether responding to them when they come up would be guided by state laws, ethical codes or both. This section also identifies two ethical codes and state laws related to the three identified issues and a description of their applicability. Finally, this section outlines the actions that one would take as a counsellor towards ensuring that they behave legally, ethically and professionally in their counselling practice.

## Part One: Researching Codes

### ASCA Code of Ethics

1. Bullying, Harassment and Child Abuse ASCA 2016 A.11

Cases of neglect and child abuse should be reported to the authorities so as to ensure that the child is protected from the same, as well as keeping it private so as not to tamper with the child’s esteem. This standard is important as it ensures that relevant services are provided to assist the affected children who face the abuse and neglect. It enables them get guidance that will assist them get over the associated ordeal.

1. Serious and foreseeable harm to self and others ASCA 2016 A.9

Until a student has gotten relevant help after being declared dangerous to self and others, they should not be released. If the parents or guardians of the child fail to act once they are notified of the child’s behaviour, then the school counsellor may go ahead and report the case to child protective services. This standard is important as it ensures the safety of the people interacting with the child.

## AMHCA 2010 code of ethics

1. Primary responsibility AMHCA I.A.1

For the mental health counsellors to understand human behaviour, they need to have values that enable them maintain reasonable standards to enable them provide great counselling services. In the counselling process, the counsellors make it clear to their patients about expectations and what is required of both parties to make the counselling process a success. Values regarding this counselling process, as well as professional orientation and supervision, give the counsellors important information on ways to assist the patient.

1. Confidentiality AMHCA 2010 I. A. 2

The right to confidentiality should be guaranteed by the counsellors hence giving the patient the comfort that information will not be leaked whatsoever. However, if the patient is a minor, a parent or guardian may have to be involved directly. In some cases, if the patient is said to be incompetent, the parent or guardian may also attend the counselling sessions. This standard stands out in that it requires critical analysis of the situation by the counsellor to ensure total confidentiality in the limits of the law.

The ASCA and AMHCA standards are availed online, with news of updates and changes on the same shared on the respective websites. For one to be stay up to date with such information, it is important to visit these websites on a weekly basis. The ASCA also avails downloadable PDF documents on standards. One can download or print updated versions and save them for future reference.

## Part Two: Researching State Laws

Michigan State Laws that regulate counselling as a practice can be found in the LARA (Licensing and Regulatory Affairs Department) website under the Michigan Board of Counselling. This site and its resources can be reached through the following url: http://www.michigan.gov/lara/0,4601,7-154-72600\_72603\_27529\_27536---,00.html

This website contains downloadable files licensing guides, application forms, certifications, laws and rules associated with counselling. The law on licensing requirements and qualifications, for example, can be found through the following link provided in the LARA website: http://www.legislature.mi.gov/(S(rpdro0rva4kbrcf4wrzglwwu))/mileg.aspx?page=getObject&objectName=mcl-333-18107

Updates on state laws and regulations are posted on relevant accessible websites such as LARA’s website. The Michigan Board of Counselling also posts updates on counselling regulations on LARA’s website. To keep up to date with any amendments or changes to state laws and regulations associated with counselling, one would need to revisit the LARA website on a regular basis. A good strategy would be to have a look at it weekly, say at the end of each week, and study the section of LARA News Releases. This section contains updates and news on various laws, including the ones on mental health counselling. The updates have been preserved on the website since 2011 and one can review those posted in the past and also get a view of the newest releases and updates.

## Part Three: Applying State Laws and Ethical Standards

### Issue 1

A client or student whom you've been counseling over the past year asks to see a copy of the notes and records you've been keeping. The response to this issue would be guided by both state laws and ethical standards revolving around confidentiality. Related state laws are: Act 368 Section 333.18117 and Act 368 Section 333.16222. The related ethical standards are: ASCA 2016 A. 12 “Student records” and AMHCA I.A.1 “Personal responsibility”. These laws and standards are a guide to how client information and analysis should be treated.

### Issue 2

A 16-year-old you are seeing for counseling has disclosed that she's been sexually intimate with her 22-year-old boyfriend and does not want you to tell her parents. Decisions made on this issue should be related to state laws (Act 368 Section 333.18117 and Act 368 Section 333.16222) and ethical standards (ASCA 2016 A.11 “Bullying, harassment and child abuse” and ASCA 2016 B.1 “Responsibilities to parents”). Reference to these laws and standards is relevant because of the criticality of dealing with a minor’s confidentiality while still considering their wellbeing and the probability of abuse and exploitation by an adult. The level to which parents and the police should be involved will be guided by these laws and standards.

### Issue 3

A client with a terminal illness has discussed plans to end her life and has asked you not to disclose this to anyone. State laws and ethical codes come into play. Related state laws are: ACT 368 Section 333:18117 and ACT 328 Section 750:329a. Related ethical standards are: ASCA 2016 B.1 “Responsibilities to parents” and ASCA 2016 A.9 on “Serious and foreseeable harm to self and others”. Involvement of laws and ethical standards will seek to protect the right to life while still maintaining the legally allowed levels of confidentiality.

To ensure that a practicing counsellor remains in the confines of the law, ethics and professionalism, one should be aware of state laws and ethical standards. They should also keep tabs of any changes that occur in the two to ensure that their practice is professionally guided.

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## Conclusion

This paper describes ways in which a counselor can get relevant state laws and ethical standards, and how they can stay in touch with updates of the same. Through its three main sections, it describes the source of ethical codes and standards and their importance in counseling as well as the source of relevant state laws and their updates. It also provides a practical use of state laws and ethical standards in sample issues that might occur in a counsellor’s practice, ending with a description of how a counselor can practice professionally within the law and guided by ethics.

References

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