THE BASICS OF ADDICTION COUNSELING: DESK REFERENCE AND STUDY GUIDE

MODULE III: ETHICAL AND PROFESSIONAL ISSUES IN ADDICTION COUNSELING

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DISCLAIMER
The purpose of this Desk Reference and Study Guide is to provide a compendium of material to the addiction profession that offers a general overview of information necessary to the development of a well-rounded addiction professional. The materials contained herein are intended to orient an individual program of study, which encompasses additional research and investigation. This manual is NOT purported to be either all-inclusive or in sufficient detail to ensure success in actual certification/licensure examinations. It MUST be used in conjunction with the examination content outline provided in application brochures and the bibliography provided herein. While training courses based solely on the content of this manual should be professionally helpful, they may or may not adequately prepare one for success in actual certification/licensure examinations.
INTRODUCTION

This manual is based on NAADAC, the Association for Addiction Professionals’ Code of Ethics and is designed as a teaching tool to assist addiction professionals in maintaining ethical professional practice. This manual contains a detailed discussion of the nine principles of the NAADAC Code of Ethics, as well as models for ethical decision making. In addition, examples of unethical conduct, possible applications of the NAADAC Code of Ethics and reflection questions are included in each chapter to further enhance the proper application of ethics in the addiction profession.

The NAADAC Code of Ethics is a general guideline for professional behavior. In working with clients, colleagues and treatment agencies, there are events that occur which may not be specifically covered in the NAADAC Code of Ethics. Therefore, this manual is not intended to be an exhaustive resource concerning ethics, professional conduct or the addiction profession. Addiction professionals are encouraged to seek out additional resources concerning ethics and professional conduct when confronted with a questionable ethical situation.

Persons who use this manual when making ethical decisions are acting on their own and not under the advisement of NAADAC, the Association for Addiction Professionals. NAADAC is not responsible for the competency, actions or ethical behavior that results from reading this manual. Further, the examples provided in the guide are for illustration only and are not definitive statements of NAADAC’s ethical policies or guidelines.

OBJECTIVES OF THIS MODULE

This module outlines the NAADAC, the Association for Addiction Professionals’ Code of Ethics and is intended to assist addiction professionals in maintaining ethically sound relationships with clients, treatment providers and colleagues. This module will provide an addiction professional with the following:

- ethical guidelines for professional behavior before, during and after treatment of a client;
- ethical guidelines for avoiding discrimination and stereotyping;
- guidelines for confidentiality and the circumstances for when it may be ethically breached;
- standards for developing and maintaining healthy relationships with clients and colleagues;
- awareness of the various federal, state and local laws and regulations that apply to the addiction profession;
- explanation of the rights and duties of an addiction professional when working with clients and colleagues and when representing the profession in public forums;
- standards for fostering respect for colleagues’ opinions and intellectual property; and
- understanding of the moral and ethical responsibility of an addiction professional to protect a client from harm.

Each day members of the addiction profession are confronted with situations of ethical and moral importance. Perhaps the parents of an adolescent client request to know the details of a therapeutic session or perhaps the policies of a treatment service provider are discriminatory towards minorities. In situations such as these, the addiction profession relies on its members to act ethically and in the best interest of the client and for the profession. However, determining what is definitively ethical is difficult even for the most seasoned addiction professionals. An established code of ethics is necessary to assist practitioners making these decisions.

A **code of ethics** serves many purposes. Most importantly, it provides protection for the public by giving addiction professionals rules of conduct, as well as a means of accountability for their actions with clients and colleagues. It serves as a catalyst for improving treatment practices and provides stability within the profession by helping to control internal disagreement. It also allows the profession to regulate itself without the direct intervention of government. Finally, a code of ethics serves as a standard of practice in the event of a malpractice suit or licensing board complaint.

To maintain consistency and accountability of addiction counselors, educators and other addiction-focused health care professionals who specialize in addiction prevention, treatment, recovery support and education, NAADAC, the Association for Addiction Professionals, adopted its first **Code of Ethics** on June 21, 1987. Since then, the **Code of Ethics** has been revised many times to reflect the constantly evolving profession. For members of NAADAC, it provides a mandatory level of ethical functioning for maintaining membership in the Association. In addition, the **Code of Ethics** has been adopted by the National Certification Commission (NCC), the autonomous credentialing arm of NAADAC, and some certifying boards under the purview of the International Certification Reciprocity Consortium (IC&RC). For individuals holding credentials from any of these certifying bodies, the **Code of Ethics** provides a mandatory level of ethical functioning for maintaining their credentials.

**Defining Ethics**

**Ethics** is generally regarded as the standards that govern the conduct of a person. Smith and Hodges define ethics as a “human reflecting self-consciously on the act of being a moral being.” This definition implies a process of self-reflection and awareness of how to behave as a moral being. For thousands of years, humans have been...
determining and revising the definition of a moral being. Some definitions are dictated by law, individual belief systems, religion or a mixture of all three. Whereas no specific, concrete code of conduct exists for all humans, there are some universal principles and virtues that serve as a philosophical guide for how to be a moral being.

NAADAC, the Association for Addiction Professionals, is comprised of members who, as responsible health care providers, believe in the dignity and worth of all humans. As such, in the practice of their profession, they are beholden to demonstrate ethical principles and virtues that center around **prudence**. Prudence is a habit of mind and will that inclines a person to act with integrity, even in ethically ambiguous situations. Prudence has been described as the hub of a spoked wheel, in which the spokes are the various principles and virtues determining ethical practice.

These proverbial spokes can further be divided into **principle ethics** and **virtue ethics**. Principle ethics help answer the question, “What should I do?” when systematically evaluating how an ethical dilemma should be handled. Virtue ethics answer the question, “Who should I be?” and help an addiction professional define the kind of person he or she aspires to be. The principle and virtue ethics that are embedded into the **NAADAC Code of Ethics** are outlined below:

- **Autonomy** - supporting clients’ independence, freedom and self-determination; addiction professionals practice this principle ethic by respecting clients’ values, facilitating clients’ independence and supporting clients’ rights to make choices about their own life.
- **Beneficence** - the obligation to do good; addiction professionals apply this principle ethic through their commitment to helping others and by promoting what is in the best interest of the client.
- **Justice** - providing equal and fair treatment; addiction professionals practice this principle ethic when they provide the same quality of treatment to all clients without discrimination.
- **Obedience** - observing laws and regulations which govern individuals and the profession; addiction professionals apply this principle ethic by following licensure and certification regulations, agency policies and legal mandates.
- **Competence** – being educated, trained and prepared to provide addiction-related services; addiction professionals practice this virtue ethic when they pursue appropriate credentials, training, experience and supervision and operate within their scope of practice.
- **Fidelity** – exercising honesty and trust; addiction professionals promote this principle ethic by being trustworthy with clients and the general public, as well as following through with commitments to clients and others.
- **Loyalty** - demonstrating allegiance to the client; addiction professionals apply this virtue ethic when they advocate for and actively support clients’ needs.

- **Discretion** - valuing the right to privacy; addiction professionals promote this virtue ethic by following confidentiality guidelines and privileged communication laws relating to their clients.

- **Nonmaleficence** - doing no harm; addiction professionals promote this principle ethic by avoiding any behavior that can cause harm or has the potential to harm an individual.\(^{VI}\)

### IMPLEMENTING ETHICS

Given the variance of what constitutes ethical and moral behavior, it is not surprising that individuals differ in how they view and implement ethical codes. There are two contrasting points of view regarding ethics: **ethical relativism** and **ethical absolutism**. Ethical relativism states that ethical decisions are based on the context or consequences, whereas ethical absolutism states that decisions are based on fixed moral rules that exist regardless of whether one believes in them. An addiction professional practicing ethical relativism would use the *NAADAC Code of Ethics* as a guide and apply it based on the client, the situation, the potential outcome and input from other professionals. By contrast, an addiction professional practicing ethical absolutism would apply the *NAADAC Code of Ethics* literally, with little accommodation to other factors.\(^{VII}\)

To further complicate the discussion, individuals also differ on how they make ethical and moral decisions. Loewenberg and Dolgoff\(^{VIII}\) suggest several ethical approaches based on theoretical foundations for making ethical decisions. These approaches are:

- **Clinical pragmatism**: implementing the values of the dominant social system as the basis for ethical decisions;

- **Humanistic ethics**: emphasizing human needs, such as self-actualization and freedom, as the basis for ethical decisions;

- **Situational ethics**: acknowledging the uniqueness of a situation and the need to apply ethical principles accordingly; and

- **Religious ethics**: using religious beliefs, such as the belief in divine love or the will of God, as the basis of ethical decisions.
Of course, no one particular way of implementing a code of ethics or making an ethical decision is better than another; each method is valid and unique to each individual. However, it is important for addiction professionals to remain consistent in their ethical implementation, as to not inadvertently treat clients unequally or unfairly when faced with a questionable ethical situation.

**Decision Making Influences**

The process individuals use to make ethical decisions is influenced by many factors. Perhaps the most dominant factor is the addiction professional’s personal values. An individual’s personal values are influenced by his or her parents, culture, peers, teachers, spiritual beliefs, community and media, to only name a few. Whether intentional or not, an addiction professional’s personal values influence how he or she views and ethically maneuvers in the world. For example, someone who lives in a culture which values the good of the community over the good of the individual would probably apply the principle of autonomy differently than someone who lives in a culture which values individuals’ rights more than the community.

The addiction professional’s theory of counseling, training and experience greatly influence his or her ethical decision making process, as well. Counseling theories have implicit values that are taught along with the theory and techniques. Reality theory, for example, promotes the value of helping clients face the truth about their present circumstances. The addiction professional is actively involved in this process through confrontation, problem solving and other directive techniques. In contrast, psychodynamic theory promotes the value of insight. Clients are encouraged to analyze the past, with the addiction professional in the role of facilitator. One of the purposes of a counseling theory is to establish how an addiction professional should proceed during a session and what constitutes best practice for a client. Some clients may view confrontation as combative, unnecessary and perhaps unethical; whereas, reality theory embraces and even promotes confrontation with a client. An addiction professional’s chosen theory will help him or her draw the distinction between ethical and unethical practices.

Professional and life experiences also influence ethical conduct. Role models who have demonstrated poor judgment or supervisors who do not routinely discuss ethics with their supervisees influence an addiction professional’s ethical development. Life experiences, including experiences such as living in poverty, fighting in a war or other traumas, also can challenge and change a person’s value system.

In addition, an ethical decision can be influenced by the treatment setting, the cultural setting and/or the client population. For example, an addiction professional working with adolescent clients will probably face more ethical conflicts regarding the principles of autonomy and privacy than an addiction professional working with an adult population. Addiction professionals who work in a rural setting may apply ethical principles differently because of the values inherent in this type of community. For example, accepting gifts of homegrown or homemade items from clients might occur in this setting, but many other situations require addiction professionals to decline gifts from clients.
ETHICAL DECISION MAKING MODELS

Because every individual approaches an ethical decision from different viewpoints, it is essential that an addiction professional adopts a systematic model for ethical decision making that will guide his or her future practice. A systematic decision making model offers guidelines for determining that an addiction professional is acting ethically responsible. Van Hoose and Paradise⁹ consider an ethical addiction professional to be one who:

- maintains personal and professional honesty;
- focuses on the best interests of the client;
- uses no malice nor receives personal gain; and
- justifies his or her actions based on the current standards of practice.

Of course, every addiction professional strives to be ethically responsible in these ways, but it is inevitable that addiction professionals will find it necessary to make difficult ethical decisions during their career. To further complicate matters, there are very “few absolute, right answers to ethical, legal, or best practice questions.”¹⁰ In situations where there is no clear answer or course of action, an ethical decision making model will help determine the most appropriate response for the addiction professional, the client and treatment service provider. Below are a few decision making models from the vast body of research in this area.

Forester-Miller and Davis¹¹ offer the following seven-step model for making an ethical decision:

1) Identify the problem.
2) Apply the appropriate code of ethics.
3) Determine the nature of the dilemma.
4) Generate potential courses of action.
5) Consider the potential consequences of all options and choose a course of action.
6) Evaluate the selected action.
7) Implement the course of action.

McGuire¹² suggests an alternative four-step process for making ethical decisions:

1) Review your code of ethics and legal mandates.
2) Seek input from a second party.
3) Determine the values and motives involved.
4) Evaluate the long-term effects of your choices on your client.

White¹³ suggests that an ethical decision should be made based on the following three questions:

1) Whose interests are involved and who can be harmed?
2) How could the application of various universal values shed light on the appropriate action to be taken in the situation?

3) What standards of law or professional propriety apply to this situation?

All of these models are based on some of the ethical principles previously discussed and contribute important characteristics for a good ethical decision making process. Addiction professionals should continue their research in this area, evaluate their own current decision making process and then implement a decision making model that best suits their needs.

**NAADAC’s Decision Making Model**

All addiction professionals are encouraged to select and routinely apply an ethical decision making model in every questionable situation that arises so that he or she can consistently demonstrate the intent to act in an ethical and professionally responsible manner. The earlier in one’s career a decision making model is employed, the more insulated an addiction professional is from future legal and ethical claims brought against the individual.

This manual will use the comprehensive decision making process outlined below for the numerous case studies that follow.

1) Identify and define the problem.
2) Review the NAADAC Code of Ethics to determine which principles are applicable.
3) Consult with a supervisor and/or colleagues.
4) Consider any potential legal concerns and identify if consultation with an attorney is needed.
5) Identify all courses of action and their consequences.
6) Decide on a course of action.
7) Implement the course of action and document it appropriately.
8) Reflect on the outcome of the course of action.

**Identify and define the problem.** The first step in a decision making model is to clearly identify and define the problem at hand. Without this crucial step, it is impossible for an addiction professional to concisely evaluate the problem. In identifying the problem, it is important to distinguish whether or not there is an ethical concern. Sometimes, what may be considered an ethical dilemma is more of a clinical issue. For example, a client refuses to sign a release of information to a third party even though the addiction professional feels strongly that he or she needs to communicate with this third party. Instead of making this scenario be an ethical issue concerning confidentiality, the addiction professional should address the client’s relationship with this third party and what his or her concerns are with releasing the information. The addiction professional’s clinical intervention could result in preventing an ethical conflict.

In addition, there may be more than one ethical issue involved in a single situation. For example, often confidentiality situations also involve client welfare; competency concerns often coincide with the principle on responsibility; violations to the principle on client relationships can also
involve client welfare, confidentiality and payment issues. By identifying and defining the problem before any further steps are taken, the addiction professional is in the best position to make an ethical decision that considers each component of the situation.

**Review the NAADAC Code of Ethics to determine which principles are applicable.** By reviewing the *NAADAC Code of Ethics*, addiction professionals can further clarify if there is an ethical concern. For assistance in determining which principles of the *NAADAC Code of Ethics* are applicable, addiction professionals can consult this manual or contact members of the NAADAC Ethics Committee. For further reference, a copy of the *NAADAC Code of Ethics* is located in Appendix A.

**Consult with a supervisor and/or colleagues.** The use of consultation with other professionals is an essential step in the ethical decision making process. Addiction professionals who are under supervision are hopefully already discussing ethical concerns with their supervisor. The supervisory relationship is different from a relationship with a colleague in that the supervisor assumes responsibility for the clinical work of the supervisee and thus, the welfare of the client. In many situations, the addiction professional’s supervisor may be liable for the actions of his or her supervisee and would need to be informed of any ethical problems and approve any course of action before it is taken.

For addiction professionals who are not in a formal supervisory relationship or are themselves supervisors or administrators, it is important to have trustworthy colleagues available as a resource for discussing ethical concerns. Other resources addiction professionals may use for discussing ethical concerns are professional ethics committees, regulatory review boards and other experts in this field, such as ethics trainers or college professors who teach ethics.

**Consider any potential legal concerns and identify if consultation with an attorney is needed.** This is an important component of a consultation with a supervisor or colleague because it is often difficult to determine when to seek legal advice. The need for legal counsel will most often arise in situations where the client is involved in the legal system and subpoenas or court orders have been issued. Addiction professionals need to remain current regarding state and federal laws which govern their practice because not all situations require the release of information when a subpoena or court order has been issued. However, in understanding how to apply these laws, legal services may be needed. Addiction professionals who work in treatment agencies may have access to an attorney through the agency, but it is important to remember that this attorney is hired to protect the interests of the treatment agency and not necessarily the interest of the client or addiction professional.

**Identify all courses of action and their consequences.** Before deciding on a course of action, all options available to the addiction professional and their corresponding consequences need to be considered. In evaluating possible courses of action, several questions are suggested for facilitating this process:

- What is in the best interest of the client?
- What potential harms to the client and/or addiction professional could be foreseen with this course of action?
- Does this course of action comply with the *NAADAC Code of Ethics* and federal, state and local laws?

- What are the addiction professional’s personal values regarding this ethical problem?

- If called to do so, could this course of action be adequately explained to an ethics committee?

**Decide on a course of action.** After all possible courses of action have been evaluated, one must be selected. When making this decision, consider the following questions:

- If acting only for the welfare of the client, which course of action is most appropriate?

- If acting only for the welfare of the addiction professional, which course of action is most appropriate?

- If acting only for the welfare of the treatment service provider, which course of action is most appropriate?

- Who would disagree with this chosen course of action and why?

Addiction professionals who are under supervision need to decide on a course of action with their supervisor. In addition, addiction professionals can use the general principle and virtue ethics previously described to help guide their decisions about a course of action. It is recommended that the primary guiding factor of ethical decision making should be to consider the impact of a course of action on the welfare of the client.

**Implement the course of action and document it appropriately.** After deciding on a course of action, it must be implemented and documented. It is recommended that addiction professionals briefly document the steps taken in response to an ethical problem and include a written description of the course of action. In situations directly related to a client, the documentation should be in the client’s file. There may be situations where an addiction professional is reporting a colleague for suspected ethical misconduct and there is no identified client; it is still recommended that this incident be documented and saved for future reference, if necessary.

**Reflect on the outcome of the course of action.** Reflection on the outcome is important for many reasons. First, it allows the addiction professional to evaluate the effectiveness of the course of action, as well as the effectiveness of the decision making process. Second, it may identify training needs in ethics or changes to agency policies and procedures that could be helpful in preventing similar ethical problems in the future. Finally, additional ethical or legal concerns may arise that were not apparent prior to the implementation of the plan.

For the remainder of this manual, the language and intentions of the *NAADAC Code of Ethics* are discussed in great detail. The *NAADAC Code of Ethics* consists of nine principles that outline general behavior and procedures for handling most addiction counseling situations. The discussion that follows elaborates on the spirit of each principle to better assist addiction professionals in understanding and maintaining ethical professional conduct. Of course, the *NAADAC Code of Ethics* cannot anticipate all the diverse problems and circumstances that can
arise between an addiction professional, his or her clients, peers and/or treatment facility, and it may be used as a general guide for behavior and decision making. By adhering to *NAADAC Code of Ethics*, an addiction professional will be best equipped to provide effective services to those impacted by addiction. Above all, it is important for an addiction professional to remember that his or her main concern must always be the safety, mental health, emotional stability and well being of his or her clients. This concept is echoed throughout the *NAADAC Code of Ethics* and endorsed by the addiction profession.
1) What is the purpose of a code of ethics?

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2) How do you apply the principle ethics of autonomy, beneficence and justice in your current practice?

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3) Which virtue ethics most influence you and your practice?

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4) Which point of view best describes your point of view of ethics, ethical relativism or ethical absolutism? Please explain.

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Instructions: To better apply the concepts of the previous section, please answer the following questions to the best of your ability. Any unanswered questions should be discussed with a supervisor, colleague or professional organization to ensure ethical compliance.
5) Of the four ethical approaches described in the section (clinical pragmatism, humanistic ethics, situational ethics and religious ethics), which best describes how you generally make ethical decisions in your personal life? Please explain.

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6) Describe the ethical decision making process you believe would be most helpful in your practice.

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7) Ask a colleague and/or supervisor what guidelines he or she uses in making ethical decisions. What did you learn from the response?

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8) List three people you currently consult with or would contact to help you with an ethical issue.

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