

Questions Asked During the Live Webinar Broadcast on 10/3/12

Q: How many appeals might be allowed?

A: There are a total of six possible Ethics Committee actions/decisions that can be appealed during the adjudication process.

Q: What if the violation is suspected, but not known to have happened, is there still a requirement to report?

A: This is a tough question to answer in a straight-forward manner because there are so many variables that need to be addressed. The simplest answer is: if you have enough evidence to support a suspected violation, it should be reported.

Q: What are the protections for the complainant? Could the respondent claim slander?

A: The Respondent can *not* claim slander because the complaint is not made public. Slander is, by definition, a *public* accusation.

Q: Currently there is a lawsuit pending against our agency for harassment & other ethical violations - should we wait until the allegations are substantiated?

A: No. File the complaint now. Let the Ethics Committee decide whether to defer action until the lawsuit is settled.

Q: Does the respondent have the right to know the identity of the complainant?

A: Yes. The complaint can not be filed anonymously or it is much harder to investigate. Unfortunately, too many people enable unethical counselors because they are afraid of repercussions. How can we teach our clients about honesty and integrity unless we are able to demonstrate it in our own lives?

Q: Could you please clarify what it means when it states abandoning a patient/client?

A: As professionals, we are obligated to ensure continuation of services to all of our clients if we leave our place of employment. Any self-initiated abrupt departure from a place of employment that leaves clients without adequate counseling is considered abandonment.

Q: There is a former co-worker who just resigned from our Agency. He has completely wiped out his computer files on his clients and his paper files are incomplete. One of his client's was going to Court today and asked for a copy of her evaluation that was performed on August 31, 2012. It was not to be found and the former counselor has not returned phone calls. Does this constitute deserting a client, which is an ethics violation?

A: Absolutely. The files belong to the agency, not the counselor. The information in the files belongs to the client, not the counselor. Not only does it appear that he abandoned his clients, but it also appears he failed to keep adequate and appropriate records—which is another violation.