

Code of Ethics
Washington Professional Counselors Association
- Washington State -

PREAMBLE

This Code shall apply to all professional counselors who are in good standing with the Washington Professional Counselors Association [WaProCA]. Membership is voluntary. As such, it is presumed that all members freely agree to the terms of the following Code.

The term "Professional Counselor" connotes someone who practices a counseling tradition whose educational and training path is different from counselors who work at mental health agencies. Our association recognizes that there is a plurality of healing and helping traditions that do not fit within the educational and developmental track that leads to current state licensure. This association recognizes that these traditions have their own normative, educational, and supervisory processes but that they all have a common moral standard that is at least as high as any other mental health code of ethics in the state. The purpose of the Code is to institute, implement, maintain, and develop the ethical standards of professional counseling for all those individuals who are not otherwise obligated by another code of ethics.

In order to fully recognize counselors as "professionals," the profession must carefully delineate, clearly and distinctly, the ethical duties each one has to the public, to the profession, to clients, and to competitors. We acknowledge that there is a clear distinction between professionals and non-professionals in the allocation of ethical responsibility. A non-professional is tantamount to a retailer and has no special duties to consumers beyond what is delineated by contract. In contrast, a professional has a sacred fiduciary duty to each of his clients, consumers, or patients. It is from this basic foundation that all other duties of a professional counselor in a competitive environment flow.

The counseling profession in Washington is at a historical crossroads. Because it has never had a well-drafted, content-specific code of ethics, standards of practice have been left to the vagueness and ambiguity of state and federal law, as well as to personal moral standards. This has resulted in subjective standards of practice that lack uniformity, thereby resulting in state legal problems that have, and will, cost the profession inordinate sums of money for external regulation and policing.

In contrast, there are other well-established professions that have well-defined standards of practice. As such, most of their regulation is internal, and ends up saving the profession enormous sums of money. This Code of Ethics is a significant attempt to create common and clear standards of practice, which will allow our organization the ability to help members regulate our profession in a way that is good for the public, our clients, and our group of counseling professionals.

As such, Members of our association pledge to maintain and to improve the ethical standards of practice of our profession. We promise to conduct business in a fair, competent, and honest manner, and no inducement of profit or other personal gain can ever justify a departure from the standards we set forth herein.

We acknowledge the absolute and profound impact our behavior has on the welfare of our clients. We acknowledge and accept responsibility for the fact that our clients do rely on our expertise, our honesty, and our guidance, in the seeking of counseling services.

We understand the value in providing the highest quality service possible, and through this, earn the confidence and trust we need and value. We hold our association's reputation for honor, respect, and esteem in high regard and we further pledge to protect and enhance that reputation.

By recognizing our quest for excellence we agree to share the value of our experience and knowledge amongst ourselves for the enhancement of our associations, our profession, and for the benefit of the general public. Even though our Code establishes obligations that may be higher than those mandated by law, we recognize that in cases of conflict the law must always take precedence. Because of all the aforementioned values, we hereby pledge to conduct our business in accordance with this Code of Ethics, which sets out our duties. As a matter of clarification, we use the masculine and feminine pronouns "he" and "she" and "his" or "her" to mean the same thing. No other meaning attaches to these substitutions.

By delineating these duties we adherents to this Code pursue the following goals:

First, to improve the performance and public perception of the personal counseling profession;

Second, to implement and develop ethical business practices among its members;

Third, to inform its members of changes in laws and practices, as well as pending legislation that affects the counseling profession at the local, state, and federal levels;

Fourth, to sponsor educational programs, including rigorous training in ethics and business practice; and

Fifth, to cooperate with public and private agencies in the development and elevation of standards of practice.

The Members of this association are aware that the prosperity, usefulness, and future of the counseling profession depends on the honor, integrity, fidelity, and good moral character of its members. As such, each and every one of us resolve and pledge to observe and maintain the following standards of conduct when dealing with the public, clients, and competitors.

DUTIES TO THE PUBLIC AND TO THE PROFESSION

Article 1-Competency

Professional Counselors have the duty of competency. As such, they must meet formal state education requirements and the specific requirements of their disciplines and modalities. They must also assume personal responsibility for the informal acquisition of greater knowledge, awareness, and understanding. This requires counseling professionals to generously share with fellow counselors their knowledge and expertise, and to respond positively to the ideas of others to learn from them. Competency means to meet the standard of the average, random counseling professional in the community in which one practices. This means that a Professional Counselor must work within the boundaries of his or her competence, based on his or her education, training, supervised experience, consultation, study, or other professional experience. The level of service provided shall be what is reasonably expected in the discipline in the geographic location in which the service occurs. Specialized services outside one's areas of competence require assistance from those who have the requisite expertise. It is also expected that junior members within a discipline proactively seek out appropriate supervision from more senior members of that discipline, in accordance with common, professional expectations. Professional Counselors agree to refer clients to other health care professionals when appropriate.

Article 2-Legal Responsibility

The actions of Professional Counselors shall conform to standards of the applicable laws and regulations. Professional Counselors shall support local, state, and federal legislation that insures the highest standards of practice and success of ethical Professional Counselors. A copy of the applicable laws will be accessible in an online format.

Article 3-Truth in Advertising

Professional Counselors have a duty to be honest and truthful in their representations to the public. This includes all modes of advertising, including television, radio, print, internet, flyers, and email. This duty requires that all assertions are true in fact. It also requires that sufficient information be provided to the degree required for a reasonably prudent person to make a rational decision with regard to the stated services of every counselor. One's professional status, areas of expertise, and special credentials must be easily identifiable. These details must be set out in clear and comprehensive language in all marketing materials.

DUTIES TO CLIENTS

Article 4-Fiduciary Duty

The relationship between a Professional Counselor and a client is one of trust. As such, each Professional Counselor must always protect the best interest of his or her client. She must act in the highest good faith and never put her own personal interest above the interest of his client. This duty is a fiduciary duty. "Client" means any current or prospective client and this relation and status begins as soon as a Professional Counselor engages in verbal or written communication with a person that is related to prospective counseling. Professional Counselors acknowledge that, in general, a dual relationship with a client is presumptively against the best interests of that client. The association recognizes that in some limited cases, dual relationships do not harm the best interests of clients. Professional Counselors also acknowledge that a sexual relationship with a current client is conclusively against the best interests of that client and should be absolutely avoided.

Article 5-Accurate Disclosure

Complete honesty with regard to expertise, competency, and credentials is required at all times. Misrepresentation of relevant facts is never allowable. The omission of material facts is considered dishonest. Complete and full disclosure is the standard ("informed consent"). Careful explanation of all terms, conditions, and facts is a part of this duty. Counseling Professionals shall not exaggerate, misrepresent, or conceal any facts that are relevant to a particular client or that are relevant to what any rational client would want to know before or during counseling. These requirements also apply to formal disclosure statements and materials.

Article 6-Confidentiality

All communications, information, and counseling sessions are absolutely confidential, during the professional relationship and in perpetuity, after the termination of the counseling relationship, subject to the limitations of Washington State law. This means that a Professional Counselor must not disclose any information that has been obtained in the course of providing services to clients unless such disclosure is made with the written knowledge and consent of a client or a Professional Counselor is required to do so under law or state regulation. Each Professional Counselor must take personal responsibility to insure this confidentiality. Each Professional Counselor must also assume complete responsibility for his or her staff in this regard.

In case conferencing and supervision, Professional Counselors shall protect confidentiality by not disclosing the names of their clients. Additionally, however, full duties of confidentiality also apply to all other counselors present at a case conferencing process or in supervision.

Further, a Professional Counselor must not use for his or her own benefit, or permit to be used for the benefit of others, any information that has been obtained, or knowledge that has been gained, in the course of providing services to clients.

Article 7-Responsibility for the Actions of Staff Members

Professional Counselors are absolutely responsible for the acts of their support staff, including receptionists, intake interviewers, and other administrative support staff. Staff members can play an important role in the delivery of counseling services and are regularly privy to important information about each client. Because they have significant power to affect the legal interests of each of their company's clients, they must also abide by this code of ethics. However, as a part of the broader constellation of responsibility, Professional Counselors have full responsibility for their staff members.

Article 8-No Conflict of Interest

If a Professional Counselor has any interest in the counseling other than fees for service, this is considered a relevant and material fact and must be disclosed immediately. If anyone else in the Professional Counselor's office or personal life has such an interest, he must disclose it to his client immediately. A Professional Counselor may not accept compensation from someone other than her client without disclosure to her client. A Professional Counselor must always inform clients of the nature of any business connections, interests, or affiliations that might impair her ability to abide by their fiduciary duty, as outlined above.

Article 9-Accurate Accounting Records

A Professional Counselor must keep scrupulous accounting records for services, and must provide copies to any current or past client within a reasonable amount of time. Records must be saved for seven years. After that time, records ought to be destroyed. This could prevent the inadvertent breach of confidentiality in the future.

Article 10-Referral to Other Professionals

If, in a Professional Counselor's best judgment, his client could benefit from consulting another professional, for example a lawyer, financial consultant, accountant, or other counselor or mental health professional, this recommendation must be made to his client immediately. However, a Professional Counselor shall not recommend uses of services in which he or she has a financial interest without disclosure of interest.

Professional Counselors shall insure that clients are not harmed in any way by the use of an independent consultant or supervisor. They shall exercise reasonable diligence to ensure that third parties with whom they deal conduct business in a lawful and ethical manner. They must make themselves reasonably aware of the third party's reputation, credentials, and general adherence to ethical standards.

Article 11-Offering of Educational or Supplemental Products

Any offering of supplemental educational products such as books, tapes, or CDs must be done in a clear and informative fashion. Any purchase of such a product must be made by the voluntary choice of a client and must never be a condition for the continuation of counseling services. Providers of supplemental products must make a full and accurate disclosure of the terms as well as the fact that they are optional and not mandatory.

DUTIES TO COMPETITORS

Article 12-Cooperation with Other Professionals in a Case

Professional Counselors shall cooperate with other professionals who may be involved in counseling services except when it is not in a client's best interest. There is a presumption that cooperation is in the best interest of a client. This involves the full exchange of relevant information, subject to written agreement by clients.

Article 13-No Defamation of Other Professionals

A Professional Counselor must not knowingly or recklessly make a false or misleading statement about a competitor. This implies no filing of false or unfounded ethics complaints.

Article 14-No Interference with Other Professional Relationships

A Professional Counselor must not interfere with any current counseling process between a client and another Professional Counselor or mental health professional.

GRIEVANCE & MONITORING PROCESS

Article 15-Proper Reporting of Complaints

Professional Counselors shall confidentially report unethical practices to the Grievance Committee as long as they have reasonable suspicion and tangible evidence to support such a charge. This requires a strong suspicion as well as documented evidence. We recognize that making false charges against a counseling professional could permanently destroy a counseling practice, so we advise judicious reflection before making such a confidential charge. It is unethical to speak to others concerning these charges because doing so could result in defamation charges to all involved. Careful discretion is encouraged. We also want to encourage Professional Counselors who are violating this Code of Ethics to seek out consultation, supervision, or their own counseling, so that they may remediate their behavior in a way that protects the interests of their clients.

Article 16-Cooperation in the Process

If charged with unethical practice or asked to cooperate in a proceeding, a Professional Counselor shall provide facts and not obstruct processes. A Professional Counselor must not make unauthorized disclosures of information from ethics hearings in which they are involved. A Professional Counselor must not obstruct a professional standards proceeding with actions for slander or defamation, or by other means.

Article 17-Agreement to Abide by Rules of the Grievance Process

Professional Counselors agree to submit to the grievance process, the procedures and rules of which are listed in the 2007 Model Grievance & Remediation Process Rules. These rules involves remedial education, training, supervision, and the possibility of loss of membership in WaProCA and any other State counseling association that adopts this Code of Ethics.

Article 18-Reporting to the State of Washington

Professional Counselors acknowledge that the professional counseling associations that pledge allegiance to this code of ethics may regularly report the dispositions of grievance committee meetings to the State Board of Health.