



## **Professional Practice Building - Part 1**

### **Session 7: Identifying Ethical Landmines in Private Practice**

#### **Webinar Follow-up Question and Answer Session with Jeff Hughes**

##### **Question from Sunanda Sharma**

As far as a custodian for records - should you consult a lawyer about how to transfer those records or can you just work that out with a colleague?

##### **Answer from Presenter**

Either will work to establish the custodian. You'll want to have the "Counselor Incapacitation or Termination of Practice" notarized to take care of any legal issues that might arise. In private practice, the receptionist, administrative assistant, office manager, or another counselor are often designated.

You should also include this information in your informed consent. This will provide the information to clients on how to access their records if the counselor becomes inaccessible through death, disability, or if the client changes their practice location.

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##### **Question from Claudia Reiche**

I keep getting referrals from an EAP program that includes people from community health settings where I myself receive services (They don't have access to my medical record.). Would you recommend to not work with those clients?

##### **Answer from Presenter**

Best practice would be to work with a different EAP program to prevent potential conflict issues arising.

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##### **Question from Allen Vosburg**

How do you know when it is necessary to report elderly abuse? What do you look for as a counselor?

##### **Answer from Presenter**

Elder abuse is an area that is often overlooked. Abuse with the elderly comes in many forms; physical, emotional, psychological, sexual, neglect and abandonment, and financial. Financial abuse is probably the most overlooked area, as the elderly are often drained of their funds without others knowing. If you suspect abuse, it would be better to err on the side of caution than to not report possible abuse.

The Dept. of Justice has produced both webinars and pamphlets on elder abuse. The links for those are:

Elder Abuse Webinars: <https://www.justice.gov/elderjustice/webinars>

Elder Abuse Pamphlets: <https://www.justice.gov/elderjustice/eji-brochures>

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**Question from Andrea Westkamp**

I am never sure about decorating my office, i.e. photos of my family. Is displaying such photos too much self-disclosure?

**Answer from Presenter**

We want to connect with our clients, but you need to be cautious with what you disclose. Pictures of family or family events could provide information that some clients would interpret as an invitation. Stay more neutral with what you use for decoration.

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**Question from Marlene Travis**

Is there a service for counselors to receive legal and ethical advice?

**Answer from Presenter**

There are a couple of places where you can receive professional advice besides hiring an attorney. Often your liability insurance carrier will provide this as a subscriber. Your state association would be another resource, as they can provide ethical direction or may be able to refer you to another reliable source.

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**Question from Marlene Travis**

If I hear about another counselor's ethical violation through a third party - whether in the community or through a client - am I liable for this (since it's a third party)?

**Answer from Presenter**

Being a third party would most likely remove any vicarious liability, but you should consult with your liability insurance carrier or an attorney to make certain. The area where I would most likely make a report if it was suspected abuse or a child, mentally incompetent adults, or the elderly. Some might disagree with my logic, but I would rather have it investigated than to ignore a potential serious issue.

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**Question from Joanne Johnson**

If you have credentials such as NCC and or LCPC, but offer coaching services rather than counseling, do the same ethical standards still apply?

**Answer from Presenter**

The thing to remember, if you represent yourself as a counselor even though you are providing coaching, you would still be held to the ethical codes for counselors.

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**Question from Cesilia Gonzalez**

Question on documentation: If a client is receiving services from more than one counselor on site- receiving individual counseling and group counseling from different professionals on site- should there be one or two files for the client?

**Answer from Presenter**

One client file would be ideal, if you are part of an organization. If the other counselor on-site is in private practice, like yourself, then you would have two separate client files. I would advise getting a release from the client so you can share information with the other client, where it would be applicable.

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**Question from Marlene Travis**

In this day and age, I still struggle with why it is unethical to do a google search of your client. Could you explain further? Could that be presented as a normal practice (which is "normal" in our culture/society which could then be presented to clients that it's not just about them?

**Answer from Presenter**

Researching a client through Google or other resources is considered unethical, as it is not part of the counseling relationship. You may discover something online that the client hasn't disclosed and accidentally bring it up in session. This will impact the trust you are trying to build with the client and damage the working relationship.

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**Question from Cesilia Gonzalez**

How do we know if we should document any consultation done with colleagues or at a consultation group?

**Answer from Presenter**

You've heard it before, "if it isn't documented, it didn't happen." Best practice says to document all consultations with colleagues or in a consultation group, so you have a written record to protect yourself in the event of any legal action. It can also be a resource to refer to, should the consultation become key to the treatment of your client or other issue being discussed.

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