

Client-Counselor Rights and Responsibilities

KMC 2093
Ethics and Legality in Counseling
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Learning Objectives

- * **To identify concept of malpractice in counseling**
- * **To determine reasons for malpractice suits**
- * **To identify course of actions when malpractice suits take place**

Dealing with suspected unethical behavior of colleagues

- * Malpractice – the failure to render professional services
- * Malpractice can cause professional negligence
- * Malpractice is typically found in the following situations:
 - (1) The procedure used was not within of accepted practice
 - (2) The practitioner employed a technique that he or she was not trained to use

Dealing with suspected unethical behavior of colleagues

- (3) The professional could have used a more helpful procedure
- (4) The therapist failed to warn others about and protect them from a violent client
- (5) Informed consent to treatment was not documented
- (6) The professional did not explain the possible consequences of the treatment

(Wheeler & Bertram, 2012)

Reasons for Malpractice Suits

- * Failure to document informed consent
- * Refusal to counsel clients due to value difference
- * Client abandonment and premature termination (Kod Etika A. I I. Penamatan dan rujukan) – to include who initiated the termination, how this was handled, the degree to which initial goals were met, and referrals provided when appropriate



**Apakah bentuk keadaan di
mana kaunselor dibenarkan
untuk menamatkan kaunseling
tidak mengikut perancangan
yang telah dipersetujui
bersama dengan klien???**

Reasons for Malpractice Suits

- * Sexual misconduct with a client
- * Marked departures from established therapeutic practices
(Kod Etika C.2. Kompetensi Profesional)
(Kod Etika C.6.e. Asas saintifik untuk modaliti rawatan)
- * Practicing beyond the scope of competency
(Kod Etika C.2. Kompetensi Profesional)

Reasons for Malpractice Suits

- * Negligent assessment and misdiagnosis
- * Repressed or false memory
- * Unhealthy transference relationship
- * Failure to assess and manage a dangerous client

Course of action in a malpractice suit

- * Treat the lawsuit seriously
- * Do not attempt to resolve the matter with the client
- * Consult with your legal counsel
- * Become familiar with your liability policy
- * Never destroy or alter files pertinent to the client's case

Course of action in a malpractice suit

- * Do not discuss the case with anyone other than your attorney
- * Determine the nature of support available to you
- * Do not continue a professional relationship with a client who is bringing a suit against you

(Bennet et al., 1990)

- * **Bolehkah kaunselor menerima hadiah daripada klien???**
- * **Bolehkah kaunselor mengambil tindakan undang-undang terhadap klien yang tidak membayar fi/yuran perkhidmatan seperti yang telah dipersetujui??**

(Kod Etika A.10. Fi dan pertukaran barangan/perkhidmatan)