


Ethical & Legal Aspects of Spirituality in Counseling

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- * Who are we
 - * Tell us about you:
 - * What brought you to this presentation?
 - * What do you hope to learn?
 - * What does the word “spiritual” mean to you?

Spirituality & Religion in Counseling

- * Secularism

- * Long-term belief that the clients spiritual and/ or religious beliefs should be excluded from the counseling experience

- * BENEFIT:

- * Limits concerns regarding the counselor pushing their own biases and beliefs on the client

- * PROBLEM:

- * Ignores current practices such as accepting diverse clients from diverse backgrounds and cultures & the impact of secularism on the client (ex. left hand)

Multicultural Model/ Inclusion

- * Accepts persons of all religious and spiritual backgrounds into counseling
- * Allows the client to educate the counselor regarding beliefs and culture in “spiritual” experiences
- * Allows for atheist and agnostic exploration as well as pagan experiences
- * Non-discriminatory

Multicultural Model

- * How many participants have had a culture and diversity course (3 hour credit)?
- * Basic Model:
 - * Never assume you understand someone's culture based on their simple explanation (black, catholic, etc.)
 - * Always identify differences in background and culture when relevant
 - * Work with the client to help them educate the counselor on their cultural experiences, as relevant (ex. being Catholic, being Irish Catholic, being a Jesuit Catholic, Jewish, Amish, Muslim, Native American, Higher Power, "Universe", etc.)

Multicultural Model

- * The counselor has the responsibility to bring up obvious (and less obvious) differences in background and allow the client to express concerns, etc., in order to develop a working model for working together within the diversity in the room
 - * Ex. White/ Black
 - * Young counselor with older adult client
 - * Muslim counselor with catholic identified client

Association for Multicultural Counseling and Development (AMCD)

AMCD Competencies

- * I. Counselor Awareness of Own Cultural Values and Biases
- * II. Counselor Awareness of Client's Worldview
- * III. Culturally Appropriate Intervention Strategies
 - * A. Beliefs and Attitudes
 - * 1. Culturally skilled counselors respect clients' religious and/ or spiritual beliefs and values, including attributions and taboos, because they affect worldview, psychosocial functioning, and expressions of distress.

Multicultural Model and Spiritual & Religious Values

- * Non-discrimination
- * Can the counselor refuse to see a client because they have a different religious background than the counselor?
- * Can the counselor refuse to see a client because the client has a lifestyle that is different than the one the counselor adheres to within their religion?
- * Let's check the ACA Ethical Code & the ASERVIC competencies, legislation, and case law.

ACA CODE of Ethics

- * **The 2014 ACA code of ethics defines core professional values**
 - * Enhancing human development throughout the life span
 - * **Honoring diversity and embracing a multicultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts**
 - * **Promoting social justice**
 - * Safeguarding the integrity of the counselor-client relationship
 - * Practicing in a competent and ethical manner

ACA CODE of Ethics

- * A.4.b. Personal Values

- * Counselors are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors. Counselors **respect the diversity** of clients, trainees, and research participants and seek training in areas in which they are at risk of imposing their values onto clients, especially **when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.**

ACA CODE of Ethics

- * A.11.b. Values Within Termination and Referral
 - * Counselors refrain from referring prospective and current clients based solely on the counselor's personally held values, attitudes, beliefs, and behaviors. Counselors **respect the diversity** of clients and seek training in areas in which they are at risk of imposing their values onto clients, especially **when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.**

ACA Code of Ethics

- * C.5 Nondiscrimination

- * professional counselors may not deny services to a client regardless of that person's "age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language preference, socioeconomic status, immigration status, or any basis proscribed by law."

ASERVIC

- * Association for Spiritual, Ethical and Religious Values in Counseling
 - * committed to the infusion of spiritual, ethical, and religious values in counselor preparation and practice
- * White Papers
 - * Spirituality vs. Religion
- * 2009 Competencies
 - * guidelines that complement, not supersede, the values and standards espoused in the ACA Code of Ethics
- * Ethical Obligation as a Professional Counselor

Culture and Worldview

- * Know the similarities and differences between spirituality and religion
 - * Including basic beliefs systems and systems of non belief
- * Recognize the client's beliefs (or absence of) about spirituality and/or religion are central to their worldview and can influence psychosocial functioning

Counselor Self-Awareness

- * Actively explore your own attitudes, beliefs and values around spirituality and/or religion
- * Continually evaluate the influence of these views on the client and the counseling process
- * Identify the limits of your understanding of the client's spiritual and/or religious perspective
- * Become acquainted with religious and spiritual resources as avenues for consultation and referral

Human and Spiritual Development

- * Describe and apply various models of spiritual and/or religious development and their relationship to human development

Communication

- * Respond to client communications about spirituality and/or religion with acceptance and sensitivity
- * Use spiritual and/or religious concepts that are consistent with the client's
- * Recognize spiritual and/or religious themes in client communication and address these with the client when therapeutically relevant

Assessment

- * During intake and assessment gather information from the client and/or other sources that betters your understanding of their spiritual and/or religious perspective

Diagnosis

- * When making a diagnosis, recognize that a client's spiritual and/or religious perspectives can
 - a) Enhance well-being
 - b) Contribute to a client's problems
 - c) Exacerbate symptoms

*Note: When diagnosing, use the DSM-5 guidelines for Cultural Issues (pg. 14) and Cultural Formation Interview (pg. 749-759), as well as the relevant criteria regarding culture (within each disorder, see index).

Treatment: Involving the Client's Spiritual and/or Religious Perspective

- * Set goals with the client that are consistent with...
- * Modify therapeutic techniques to include...
- * Therapeutically apply theory and current research supporting the inclusion of...
- * Utilize spiritual and/or religious practices as techniques when appropriate and acceptable to a client's viewpoint

ASERVIC Statement regarding Conscience Clause Legislation

The Association for Spiritual, Ethical, and Religious Values in Counseling (ASERVIC) respects the spiritual and religious diversity of our membership. At the same time, ASERVIC affirms the place that the ACA Code of Ethics, the ASERVIC Spiritual Competencies, and the ACA's non-discrimination statement have as the core foundation of our work. ASERVIC supports the decision of the ACA Governing Council to challenge conscience clause legislation by various states related to value differences and the potential harmful impact this type of legislation can have on individuals. ASERVIC values the diverse viewpoints and perspectives of our members and is committed to assisting counselors in honoring diverse perspectives while remaining true to their own values. ASERVIC will continue to welcome the voices of ASERVIC members and continue to solicit feedback on this and other critical issues.

Legal Issues Around Spirituality and Religion in Counseling

- * Religious Freedom Restoration Act:
 - * AKA Conscience Clause Legislation
- * Legal Cases Involving Counseling & Religion/Spirituality
 - * Keeton v Anderson-Wiley, Ward v Wilbanks, Bruff v N. Mississippi Health Service
 - * Laws prohibiting universities from discriminating against students based on religion
 - * Kentucky, Arizona, Michigan

“Religious Freedom” Bills

- * Tennessee: SB 1556/ HB 1840 PASSED
 - * no counselor or therapist shall be required to serve a client as to goals, outcomes, or behaviors that conflict with a sincerely held religious belief of the counselor, provided an appropriate referral is made
- * Michigan: SB 4, KY SB: 180, Virginia
 - * Active
- * Mississippi: HB 1526
 - * Voted into law and Blocked by Federal Judge
- * Similar Legislation Vetoed or Rejected
 - * Louisiana, Georgia, West Virginia, Arkansas, Florida, Oklahoma

Louisiana Law

- * LA HB 707 :
 - * House Committee rejects bill May 19, 2015
 - * Gov. Jindal issued executive “religious freedom” order May 20, 2015
 - * Gov. Edwards rescinded order April 13, 2016
- * Louisiana LPC Board Code of Conduct
 - * **Nondiscrimination.** Counselors shall not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.

Legal Cases Around Ethics

- * Bruff Vs. North Mississippi Health Services, Inc. (2001)
- * Walden v. Centers for Disease Control and Prevention (2010)
- * Ward v. Wilbanks (2009)
- * Keeton vs Anderson-Wiley et al. (2010)

Key Question to Ask

- * Is it permissible to deny counseling services to a homosexual client based on a counselor's religious or spiritual values?
 - * NO
- * Can a counselor make a referral at any point in the counseling relationship?
 - * Competence vs Comfort
 - * Duty to gain knowledge, awareness, and skills if deficient
- * When does a client become a client?
 - * Begins the moment an individual requests assistance

Gatekeeping Responsibilities

- * Primary responsibility of counselor educators to operate as gatekeepers to the profession
 - * Duty to protect the public from counselors who can't or won't provide competent service
- * Rights of Students
 - * Due process, Informed Consent
 - * Clear statements outlining expectations and procedures

Check in

- * You don't have to answer out loud but take a minute to think.
 - * How are you feeling about the changes in ethics, legislative law, etc. surrounding religion and diversity?
 - * What can you do if you find discomfort in thinking of working with different populations, or people of different religious backgrounds?
 - * Is there a population that triggers you on a religious or spiritual level?

What can I do?

- * If you do feel triggered
 - * Seek consultation & supervision
 - * Engage in education & trainings
 - * Seek counseling
 - * Speak with your pastor or spiritual/ religious leader
 - * Review the competencies and codes for guidance
 - * Other??

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