

CALIFORNIA STATE UNIVERSITY, SACRAMENTO
Department of Counselor Education

EdC 296x - Ethics and the Law for Counselors
FINAL EXAMINATION (Take-Home)
Fall 2006 Semester

DIRECTIONS: Your examination is due **no later than Tuesday, December 14, at 7:00 p.m.** Exams received after that time will lose 20% per day of the points possible. No exam will be accepted more than 72 hours after it is due. Exams must be placed in the instructor's mailbox at CSUS or mailed to 650 First Street, Woodland, CA 95695 on or before that time and date. You may not submit your exams by fax or email.

Papers must be typed, no smaller than 12 pt font, double-spaced, standard margins and the original paper (not a copy) must be submitted. **Please take note of the limit on the length of your answer. The instructor will not read any portion of your answer which exceeds the stated limit.** Start each answer on a new sheet of paper.

Assume for purposes of answering this exam that you are subject to the most stringent licensing or reporting laws in California.

You must answer a *total of three* questions. You **MUST** answer Questions 1 & 2. Then you may choose between Part A and Part B of Question 3..

QUESTION 1 (150 points total, 5 points for each question. Select the best answer for each question and mark your response on attached Answer Sheet)

1. A 15-year-old child comes to your office seeking an appointment with you. You may see the child if:
 - A. Both biological parents sign a consent for treatment.
 - B. You receive no written objection from either parent.
 - C. You believe the child has been abused and is sufficiently mature to participate intelligently in out-patient treatment.
 - D. It will be psychologically detrimental to the child if you don't see him and he says his parent does not object.

2. Your adult client appears suicidal. Which of the following describes most accurately the best practice of your responsibility to this client?
 - A. You must assess lethality. You should try any clinical interventions you believe are appropriate. You should encourage the client to voluntarily hospitalize him/herself. If the client will not voluntarily admit him/herself to the hospital and you believe s/he is still dangerous to self, you should call the police to initiate a 5150 involuntary detention.
 - B. You must assess lethality. You should try any clinical interventions you believe are appropriate. You should encourage the client to voluntarily hospitalize him/herself. If the client will not voluntarily admit him/herself to the hospital and you believe s/he is still dangerous to self, you should personally invoke the 5150 detention and call an ambulance to transport the client to the hospital.
 - C. You must assess lethality. You should try any clinical interventions you believe are appropriate. You should encourage the client to voluntarily hospitalize him/herself. If the client refuses, you should contact another responsible adult – or others likely to apprise the client's family of his/her lethality – and have them transport the client to a hospital.
 - D. You must assess lethality. If you believe the client is highly dangerous to self, you should call the police to initiate a 5150 involuntary detention.

3. If a child client appears to be suicidal, you must notify his/her parent(s)/guardian(s):
 - A. Always.
 - B. Only if the child will not agree to a no-suicide contract.
 - C. Only if the child is under 12 years of age.
 - D. Only if the police refuse to 5150 the child.

4. Your ten-year-old client comes in and tells you that his dad beat him with a belt yesterday. You must:
 - A. Report the abuse but only if the child shows you marks that are still present.
 - B. Report the abuse but only if the child's mother or a sibling confirms the incident.
 - C. Report the abuse without further comment to the child or without asking more questions.
 - D. Report the abuse if you reasonably suspect from the child's story that abuse has occurred.

5. Presuming there is no objection to releasing records, copies of your adult client's records can be released:
 - A. As soon as the client has paid all outstanding counseling fees due to you.
 - B. As soon as the client has made a request in writing to see the records and then has specified in writing what records s/he wants.
 - C. As soon as the client pays the estimated copy charges up front which cannot exceed 75¢ per copy.
 - D. Only with the written consent of another licensed mental health provider such as a psychologist, LCSW or another MFT.

6. When a client tells you s/he may have been sexually abused by a previous therapist, you must:
 - A. Encourage the client to call the police and assist the client through the process.
 - B. Immediately notify the proper licensing board and be prepared to testify.
 - C. Advise your client to immediately seek legal advice and inform the client that you are able to testify as an expert witness.
 - D. Provide the client with a brochure from the Board of Behavioral Sciences on the client's options and discuss the brochure with the client.

7. If you as an MFT or an MFT Intern get a DUI, you could be charged with unprofessional conduct by the Board of Behavioral Sciences if:
 - A. You were in the course of traveling to or from your employment at the time of the offense.
 - B. You had not completed the Continuing Education requirements for therapists relating to self-care.
 - C. Your offense reflected an alcohol abuse problem that was impairing your functioning in your professional.
 - D. Only if your blood alcohol level exceeded the state's minimum level by more than .03.

8. Records are:
 - A. Required by the BBS to be kept on any client who you think may file a complaint against you.
 - B. Required and must be consistent with your setting and type of treatment.
 - C. Required for MFTs but are considered learning aids for Interns and thus must NOT be kept.
 - D. Required but you may not keep more than two versions at any time.

9. All children have the right to claim privilege:
 - A. In all cases and without any age restrictions according to the case of *In re Daniel C.H.*
 - B. If they are over 16 years of age.
 - C. If they are over 12 years of age.
 - D. If their parents also consent.

10. To fully satisfy your legal obligation under the *Tarasoff* case, you must:
 - A. Call the police and warn the intended victim or those likely to apprise the victim.
 - B. Call the police and initiate a 5150 on your client as dangerous to self and others.
 - C. Warn the intended victim or others likely to apprise the victim if the authorities refuse to 5150 your client.
 - D. Warn the intended victim or others likely to apprise the victim and notify the authorities only if your client is also dangerous to self.

11. It is unprofessional conduct to:
 - A. Place your name in larger type face (font) than that of your supervisor if you are an intern.
 - B. Be convicted of drug abuse because drug abuse is reasonably related to the problems for which clients consult an MFT and could impair your abilities.
 - C. Practice marriage and family counseling without a license unless your business card and letterhead make perfectly clear that you are only a "personal growth consultant."
 - D. Advertise in the PennySaver or other supermarket advertising magazines.

12. If you report known or suspected child abuse immediately by phone but do not send a written report within 36 hours:
 - A. You are thereafter potentially liable for all further abuse caused to the child due to your failure to comply with the requirements of the reporting statute.
 - B. You are potentially liable for all further abuse caused to the child until you send the written report
 - C. You are not liable for all further abuse caused to the child unless you have made a deliberately false report.
 - D. You are not liable for all further abuse caused to the child unless the abuse is of the exact nature as the earlier abuse and is committed by the same individual.

13. It is reportable sexual abuse
 - A. If your 15-year-old client tells you she is having intercourse with her boyfriend and they are both 15 and not using any form of contraception.
 - B. If your 15-year-old client tells you that she is having intercourse with her boyfriend and he is 14.
 - C. If your 15-year-old client tells you that she is having intercourse with her boyfriend and he is 18.
 - D. If your 15-year-old client tells you that she is having intercourse with her boyfriend and he is 22.

14. If two people are seeing you jointly for therapy, you may release records about both parties to only one of the parties
 - A. If the requesting party signs a written release naming both of the clients.
 - B. Only if they are legally married or registered under the State's domestic partner registration laws.
 - C. Only if both parties sign the release or under a valid subpoena signed by a judge.
 - D. Only in the event of a *Tarasoff*-type situation when you suspect the non-requesting client is dangerous to the requesting party and you have already notified the police.

15. A *Tarasoff* report can only be made:
 - A. If you know or can readily discern the identity of the intended victim.
 - B. If the client has made a specific statement of intent to kill someone.
 - C. If you question the client and 5150 him/her.
 - D. If the client has made the threat on more than one occasion.

16. Which of the following is NOT a dual relationship:
 - A. The client is unable to continue paying for fees and you contract with him/her to provide janitorial services at your office after hours.
 - B. The client is also your dentist and you agree to trade your therapeutic services for a root canal.

- C. The client was your friend, but it has been two years since you have seen or talked to him/her.
 - D. The client is someone who shops at your same grocery store and whom you have run into a few times and now s/he wants to start therapy with you.
17. Privilege is waived when:
- A. The client dies.
 - B. The client sues you for malpractice.
 - C. The client is a minor, but not after s/he turns 18.
 - D. The client is a minor, but not after s/he turns 21.
18. Confidentiality ...
- A. ... is absolute and can NEVER be violated.
 - B. ... can be violated for adult clients in certain circumstances, but only for minors with the parents' consent.
 - C. ... can be violated if you are directed to do so by a police officer investigating a felony.
 - D. ... can be violated only with the client's consent or when you are required legally to do so.
19. To be required to report elder abuse, the client must have been:
- A. Abused physically but not financially.
 - B. Abused financially but not physically.
 - C. Abused financially or physically.
 - D. Abused financially or physically, but only by a family member or care-giver.
20. The fees you will charge your client for services
- A. Must be less than a psychologist's fees to be legally enforceable.
 - B. Are collectable in court only if you have registered your fee schedule with the BBS each year when you renew your license.
 - C. Must be fully disclosed to the client before the end of the first session.
 - D. Must be on a sliding scale if the client provides proof of involuntary unemployment.
21. If your adult client reports having been sexually abused as a child, you must
- A. Immediately report the suspected abuser since prior acts of abuse must be reported even if your client is now and adult.
 - B. Immediately report unless the client has repressed memories of the abuse and then you are only required to report once s/he has sufficient memories that you reasonably suspect the client has been the victim of child abuse.
 - C. Immediately report if the perpetrator is still alive.
 - D. Immediately report if you have a reasonable suspicion that the same perpetrator is or has been abusing people who are still under the age of 18.
22. Your client says he came to see you because of the advertisement you ran in the neighborhood newspaper that he picked up at the store where he works. He said what made him choose you was because your ad said you specialized in treating depression. Your ad was fine
- A. As long as it didn't induce this client and other similar clients to come in because it said all people who exhibit the listed symptoms of depression need therapy.
 - B. As long as it included your federal taxpayer ID number (or Social Security Number if you aren't a professional corporation).
 - C. As long as the ad had an expiration date regarding your rates and the client started seeing you before the date in the ad.
 - D. As long as it contained the name of last person to supervise you before you were fully licensed

along with the person's license number or title of their license.

23. A child abuse report must be made:
- A. If the person being abused is still a minor or died before the age of 18.
 - B. Even if the victim is an adult, as long as the statute of limitations has NOT run on possible criminal charges (generally 6 years or less).
 - C. If the person being abused is still a minor, but only with their consent if they are between the ages of 16 and 18.
 - D. Even if the victim is an adult if the perpetrator is still alive.
24. In making a report based on suspected child neglect, you
- A. Must report severe neglect, but do not need to report general neglect if the parent commits to immediately remedy the situation which constitutes the neglect, such as taking parenting classes, getting child care, etc.
 - B. Must report severe neglect, but do not need to report general neglect if the parent commits to remedy the situation which constitutes the neglect, such as taking parenting classes, getting child care, etc., and continue seeing you during the entire process.
 - C. Must report unless the behavior is the result of the parents' religious or spiritual beliefs.
 - D. Do not need to specify for CPS whether the neglect is general or severe, but only must give a narrative of the facts that you reasonably believe constitute neglect.
25. You may practice marriage, family therapy without a license
- A. As long as you don't call yourself a therapist.
 - B. As long as all of your ads, business cards and letterhead make clear that you are only a personal consultant.
 - C. As long as you don't charge more than the prevailing rate for services for M.F.T.s in your county or geographical region.
 - D. Never.
26. It can be considered unprofessional conduct
- A. If you get a DUI.
 - B. You give the MMPI to a client.
 - C. If your client thinks s/he is talking to E.T. (The Extra Terrestrial) and you don't tell the client that E.T. is not real.
 - D. You use EMDR or NLP with your client.
27. The distinction between a 5150 situation with a dangerous patient and a "Tarasoff" situation is
- A. In a "Tarasoff" situation you have a reasonably identifiable victim
 - B. In a "Tarasoff" situation the client is dangerous both to self and to others.
 - C. In a "Tarasoff" situation you must also send a written report within 36 hours.
 - D. In a "Tarasoff" situation only a person related to the client by blood or marriage or who has worked with the client within the immediately preceding six months is considered an intended victim who must be warned.
28. Physical abuse is required to be reported
- A. When you have seen evidence of bruises in various stages of healing on the child and the child reports that s/he has been the victim of child abuse and you have no reason to suspect the child is lying.
 - B. Even if the child denies s/he has been the victim of child abuse but you have seen evidence of bruises in various stages of healing on the child.
 - C. When you know that there is domestic violence occurring in the home between the parents.
 - D. As soon as you obtain corroborating evidence, even if the child is now over 18 years old.

29. A close friend of yours owns a grocery store near the home of one of your clients who has fallen behind in paying your therapy bill. You know your friend is looking for help and has an opening for which your client would be qualified. You owe your friend some money so if your client would be willing to work for your friend, the client could work off the amount she owes you and the value of her services would "repay" the money you owe your friend. This arrangement is acceptable
- As long as you explain it in detail to your client and s/he consents.
 - As long as you explain it in detail to your client and s/he consents in writing.
 - As long as everyone involved is clear about how much the client will make, the offsets to your debt and the amount owing for your fees.
 - As long as you aren't concerned about your professional ethics and being charged by the B.B.S. for unprofessional conduct.
30. A therapist who becomes involved sexually with a client within two years of the termination of therapy will lose his/her license
- Unless the therapist self-reports within ninety days to the Board of Behavioral Sciences.
 - Unless the therapist and the client get married or register as domestic partners.
 - Only if the client presses criminal charges against the therapist.
 - In all cases, though it may be possible in some limited situations to get the license reinstated at a later time.

QUESTION 2 (125 points – maximum length of answer: 2 pages)

There's no peace! Saturday while you were shopping in Pay More for Less, you turned around when you heard a child scream only to see your client Ima Abuser crouched over her small child, threatening to punch the child if she cried again. It was the classic, "I'll give you something to cry about!" It was pretty obvious that she had just hit the child, though you didn't see it happen.

She spots you before you can turn away and hurries up to tell you that she is so glad you came along because this is just the kind of behavior that the child does to spite her and she's just never been able to make you understand what the child does to provoke the situation. Her other child, who is six or seven, is hanging back keeping a low profile.

Tuesday when she comes in for her appointment, Ima brings the two kids. The older child is very subdued, stares at the floor, won't answer your questions and pulls away and keeps staying somewhat behind her mother's chair. The little one who was hit in the store sits on her mother's lap but keeps trying to get down. It's obvious her mother is trying to keep her close by and keep a close grip on her. The older child looks pretty dirty and unkempt. The little one seems to have a bruise by her left eye and an area on her neck that appears bruised. Ima said the child fell climbing out of her crib and got banged up. Neither child looks particularly healthy, and the older one is a little small for her age. Ima says the older child has stayed home from school "the past couple of weeks" because she hurt her leg. Ima, however, did not take the child to the doctor for treatment.

Ima also talks with you about the fact that her oldest child, whom you've never met, came home and announced she's pregnant. The girl is only 15 and her boyfriend is much older, but Ima seems to think he'll be a good husband and father, though he's not divorced quite yet from his present wife.

What are your reporting obligations, if any, in this case? Explain your thought process as you go through deciding your answer. Don't be conclusionary!

QUESTION 3 (125 points - maximum length of answer: 3 pages. Chose one of the following two questions.)

A. The following quote is from a textbook on sexual dilemmas encountered in the therapeutic relationship:

There's no such thing as altruism. You choose to help people in order to satisfy your own needs.

Comment on that statement. Do you believe it's true? If so, what ethical issues does it raise? How would **you personally** deal with those ethical issues? If the statement is not true, discuss why **you personally** have chosen to go into this profession? How can you assure that you are not helping people simply to meet your own needs?

OR

B. One therapist reveals his most painful lie:

There is great dissonance between what I ask my clients to do and what I am able to do in my own life. In relationships, for ex-ample, I encourage people to be less defensive in their communication and more empathetic with their spouse, while I'm aware in my own life I don't deliver on that stuff at all. There is a gigantic schism between my personal self and my much healthier professional self. I struggle to integrate the two parts of me. If I wasn't a therapist I would do just fine because I would be less in touch with the ideal self I want to be. But I am a therapist. I access my ideal self most often when I am working. I'm trying very hard to do that more often when I'm outside my office.

A therapist has been described as, beyond all else, a "fully functioning model for others to emulate, a personally and professionally masterful human being...." What are those idealized parts of yourself that you access during work hours but are reluctant or unable to use otherwise? What personal issues leave you with conflicts between your legal obligations and your ethical values? Do you have a system yet for weighing and resolving those conflicts?

(These are very serious questions and while there is no right or wrong, the evaluation of your answers will focus on your process in answering the questions. It's how you answer the question, that is, thoughtfully and thoroughly, not your beliefs, that will give you full points.)

Name: _____

ANSWER SHEET FOR QUESTION 1

1. A B C D
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