

Licensed Professional Clinical Counselor Law and Ethics Examination Outline

Effective Date 2015

1. Law (40%) – This area assesses the candidate’s ability to identify and apply legal mandates to clinical practice.

| Section | Task Statement | Knowledge Statement |
|---|---|--|
| 1.1 Confidentiality, Privilege, and Consent (14%) | T1. Comply with legal requirements regarding the maintenance/dissemination of confidential information to protect client’s privacy. | K1. Knowledge of laws regarding confidential communications within the counseling relationship. K2. Knowledge of laws regarding the disclosure of confidential information to other individuals, professionals, agencies, or authorities. |
| | T2. Identify holder of privilege by evaluating client’s age, legal status, and/or content of counseling to determine requirements for providing services. | K3. Knowledge of laws regarding holder of privilege. K4. Knowledge of laws regarding privileged communication. |
| | T3. Comply with legal requirements regarding the disclosure of privileged information to protect client’s privacy in judicial/legal matters. | K4. Knowledge of laws regarding privileged communication. K5. Knowledge of laws regarding the release of privileged information. K6. Knowledge of legal requirements for responding to subpoenas and court orders. |
| | T4. Comply with legal requirements regarding providing counseling services to minor clients. | K1. Knowledge of laws regarding confidential communications within the counseling relationship. K2. Knowledge of laws regarding the disclosure of confidential information to other individuals, professionals, agencies, or authorities. K3. Knowledge of laws regarding holder of privilege. K4. Knowledge of laws regarding privileged communication. K7. Knowledge of legal criteria and requirements for providing counseling services to minors. |
| | T5. Maintain client records by adhering to legal requirements regarding documentation, storage, and disposal to protect client’s privacy and/or the counseling process. | K8. Knowledge of laws regarding documentation of clinical services. K9. Knowledge of laws pertaining to the maintenance/disposal of client records. |
| | T6. Respond to requests for records by adhering to applicable laws and regulations to protect client’s rights and/or safety. | K10. Knowledge of laws pertaining to client’s access to counseling records. K11. Knowledge of laws pertaining to the release of client records to other individuals, professionals, or third parties. |
| | T7. Provide services via information and communication technologies by complying with “telehealth” regulations. | K12. Knowledge of laws regarding the consent to and delivery of services via information and communication technologies. |
| | T8. Comply with the Health Information Portability and Accountability Act (HIPAA) regulations as mandated by law. | K13. Knowledge of legal requirements of the Health Information Portability and Accountability Act (HIPAA). |

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| 1.2 Limits to Confidentiality/ Mandated Reporting (16%) | T9. Report known or suspected abuse, neglect, or exploitation of dependent adult client to protective authorities. | K14. Knowledge of indicators of abuse, neglect, or exploitation of dependent adults. K15. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse, neglect, or exploitation of dependent adults. |
| | T10. Report known or suspected abuse, neglect, or exploitation of elderly client to protective authorities. | K16. Knowledge of indicators of abuse, neglect, or exploitation of elderly clients. K17. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse, neglect, or exploitation of elderly clients. |
| | T11. Report known or suspected abuse or neglect of a child or adolescent to protective authorities. | K18. Knowledge of indicators of abuse/neglect of children and adolescents. K19. Knowledge of laws pertaining to the reporting of known or suspected incidents of abuse/neglect of children and adolescents. |
| | T12. Comply with legal requirements regarding breaking confidentiality to protect the client in the presence of indicators of danger to self/others and/or grave disability. | K20. Knowledge of symptoms of mental impairment that may indicate the need for involuntary hospitalization. K21. Knowledge of legal requirements for initiating involuntary hospitalization. K22. Knowledge of laws regarding confidentiality in situations of client danger to self or others. |
| | T13. Comply with legal requirements to report and protect when client expresses intent to cause harm to people or property. | K23. Knowledge of methods/criteria for identifying situations where client poses a danger to others. K24. Knowledge of laws pertaining to duty to protect when client indicates intent to cause harm. K25. Knowledge of situations/conditions that constitute reasonable indicators of client’s intent to cause harm. |
| | T14. Comply with legal requirements regarding privilege exceptions in client litigation or in response to breach of duty accusations. | K26. Knowledge of laws regarding privilege exceptions in litigation involving client’s mental or emotional condition as raised by the client or client’s representative. K27. Knowledge of laws regarding privilege exceptions where client alleges breach of duty. |
| | T15. Comply with legal requirements regarding privilege exceptions in court-appointed and/or defendant-requested evaluation/counseling. | K28. Knowledge of laws regarding privilege exceptions in court-appointed evaluation or counseling. K29. Knowledge of laws pertaining to privilege exceptions in defendant-requested evaluation or counseling. |
| | T16. Comply with legal requirements regarding reporting instances of crime perpetrated against minor clients. | K30. Knowledge of laws pertaining to the reporting of crimes perpetrated against a minor. K31. Knowledge of laws regarding privilege exceptions in crime or tort involving minors. |

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| 1.3 Legal Standards for Professional Practice (10%) | T17. Comply with laws regarding sexual contact, conduct, and relations between counselor and client to prevent harm to the client and/or the counseling relationship. | K32. Knowledge of laws regarding sexual conduct between counselor and client. K33. Knowledge of legal requirements for providing client with the brochure <i>Therapy Never Includes Sexual Behavior</i> . |
| | T18. Comply with legal parameters regarding scope of practice. | K34. Knowledge of laws that define the scope of clinical practice. |
| | T19. Comply with legal parameters regarding professional conduct. | K35. Knowledge of laws that define professional conduct for licensed practitioners. |
| | T20. Disclose fee structure for services prior to initiating counseling. | K36. Knowledge of laws regarding disclosures required prior to initiating services. |
| | T21. Comply with legal regulations regarding providing services when interacting with third-party payers. | K37. Knowledge of laws and regulations regarding third-party reimbursement. K38. Knowledge of parity laws regarding the provision of mental health services. |
| | T22. Comply with laws regarding advertisement of services and professional qualifications. | K39. Knowledge of laws regarding advertisement and dissemination of information of professional qualifications, education, and professional affiliations. |
| | T23. Comply with laws pertaining to the payment or acceptance of money or other consideration for referral of services. | K40. Knowledge of legal requirements regarding payment or acceptance of money or other considerations for referral of services. |

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2. *Ethics (60%) – This area assesses the candidate’s ability to identify and apply ethical standards for professional conduct.*

| Section | Task Statement | Knowledge Statement |
|---|---|---|
| 2.1 Professional Competence and Preventing Harm (18%) | T24. Consult with other professionals and/or seek additional education, training, and/or supervision to address clinical issues that arise outside the counselor's scope of competence. | K41. Knowledge of limitations of professional experience, education, and training to determine issues outside scope of competence. K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K44. Knowledge of ethical methods for developing additional areas of practice or expanding competence. K45. Knowledge of the ethical responsibility to remain current on developments in the counseling profession. |
| | T25. Consult with other professionals to address questions regarding ethical obligations or practice responsibilities that arise during counseling. | K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. |
| | T26. Evaluate counselor's own emotional, mental, or physical problems/impairments to determine impact on counselor's ability to provide competent counseling services. | K42. Knowledge of situations that indicate a need for consultation with colleagues or other professionals. K46. Knowledge of problems/impairments that interfere with the process of providing counseling services. K47. Knowledge of referrals and resources to assist in meeting the needs of clients. K48. Knowledge of methods to facilitate transfer when referrals to other professionals are made. |
| | T27. Provide referral(s) to qualified professionals for treatment of clinical issues when assistance would benefit the client. | K41. Knowledge of limitations of professional experience, education, and training to determine issues outside scope of competence. K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K47. Knowledge of referrals and resources to assist in meeting the needs of clients. K48. Knowledge of methods to facilitate transfer when referrals to other professionals are made. |
| | T28. Manage counselor's values, attitudes, beliefs, and/or behaviors to prevent interference with effective provision of services and/or the counseling relationship. | K49. Knowledge of the potential impact of counselor's values, attitudes, beliefs, and/or behaviors on the counseling relationship. K50. Knowledge of methods for managing the impact of counselor's values, attitudes, beliefs, and/or behaviors on the client or counseling relationship. |

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| Section | Task Statement | Knowledge Statement |
|--|---|--|
| 2.1 Professional Competence and Preventing Harm, Cont. (18%) | T29. Evaluate nonprofessional interactions with prospective, current, or former clients and/or people close to the client to determine the impact on the counseling relationship. | K51. Knowledge of interactions/situations that could potentially exploit or cause harm to the client. K52. Knowledge of methods for managing boundaries and/or professional relationships with clients. K53. Knowledge of ethical standards regarding prohibited noncounseling roles and relationships. |
| | T30. Maintain professional boundaries with client to prevent situations or relationships that are potentially harmful to the client or the counseling relationship. | K51. Knowledge of interactions/situations that could potentially exploit or cause harm to the client. K52. Knowledge of methods for managing boundaries and/or professional relationships with the client. K53. Knowledge of ethical standards regarding prohibited noncounseling roles and relationships. K54. Knowledge of the rights and responsibilities of the client and counselor in the counseling process. K55. Knowledge of methods to ensure that judgment is not impaired and/or that client is not harmed in situations where counseling boundaries are extended. |
| | T31. Adhere to ethical guidelines regarding sexual intimacy and/or romantic relations with prospective, current, or former clients and/or client’s spouse, significant others, or family members to avoid causing harm or exploitation of the client. | K56. Knowledge of the potential for client harm or exploitation associated with sexual or romantic relationships between client and counselor. K57. Knowledge of the ethical standards regarding engaging in sexual or romantic relationships with clients and/or persons important to the client. K58. Knowledge of ethical standards regarding the provision of counseling services to former sexual or romantic partners. |

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|-----------------------------------|--|---|
| 2.2 Counseling Relationship (27%) | T32. Obtain informed consent by providing client with information regarding the counselor and counseling process to facilitate client’s ability to make decisions. | K54. Knowledge of the rights and responsibilities of client and counselor in the counseling process. K59. Knowledge of the ethical responsibility to provide client with information regarding counseling services. K60. Knowledge of disclosures that facilitate client’s ability to make informed decisions regarding counseling. K61. Knowledge of client’s right to freedom of choice in making decisions regarding services received. K62. Knowledge of methods for communicating information pertaining to informed consent in a manner consistent with developmental and cultural factors. K63. Knowledge of the right and responsibility of legal guardian/representative to make decisions on behalf of clients unable to make informed decisions. K64. Knowledge of methods for protecting client’s welfare when unable to provide voluntary consent. |
| | T33. Evaluate for concurrent relationships with other mental health professionals to determine impact on counseling. | K65. Knowledge of the effects of concurrent mental health treatments on the provision of counseling to client. K66. Knowledge of methods for establishing collaborative professional relationships to improve the welfare of the client. K67. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. |
| | T34. Address confidentiality and/or counseling issues associated with counselor’s role, counseling modality, and/or involvement of third parties to protect the client’s welfare and/or the counseling relationship. | K54. Knowledge of the rights and responsibilities of client and counselor in the counseling process. K68. Knowledge of methods for identifying the “client” and the nature of relationships when providing counseling to more than one person. K69. Knowledge of the impact of client unit, counseling modality, and involvement of multiple systems on confidentiality. K70. Knowledge of the factors that impact the counseling relationship. K71. Knowledge of methods to reduce potential conflicts when providing concurrent counseling. K72. Knowledge of methods for managing confidentiality and privacy issues when treatment involves multiple systems or third parties. |

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| Section | Task Statement | Knowledge Statement |
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| 2.2 Counseling Relationship, Cont. (27%) | T35. Manage the impact of confidentiality/limits of confidentiality on the counseling relationship by discussing with the client issues/implications that arise during the counseling process. | K73. Knowledge of ethical standards regarding the management of confidentiality issues. K74. Knowledge of methods for managing the impact of confidentiality issues on the counseling relationship. |
| | T36. Manage the impact of safety and/or crisis situations by evaluating risk factors to protect the client/others. | K75. Knowledge of methods for assessing level of potential danger or harm to client or others. K76. Knowledge of ethical obligations regarding the management of safety needs. K77. Knowledge of procedures for managing safety needs. |
| | T37. Manage the impact of legal and ethical obligations that arise during the counseling process to protect the client/counselor relationship. | K78. Knowledge of the impact of legal and ethical obligations on the counseling relationship. K79. Knowledge of methods for protecting the best interest of the client in situations where legal and ethical obligations conflict. K80. Knowledge of methods for protecting the best interest of the client in situations where agency and ethical obligations conflict. |
| | T38. Manage diversity factors in the counseling relationship by applying and/or gaining knowledge and awareness necessary to provide services sensitive to client needs. | K81. Knowledge of diversity factors that potentially impact the counseling process. K82. Knowledge of ethical standards regarding nondiscrimination. K83. Knowledge of ethical standards for providing services congruent with client diversity. K84. Knowledge of methods to gain knowledge, awareness, sensitivity, and skills necessary for working with clients from diverse populations. |
| | T39. Provide counseling services that respects the client’s dignity and freedom of choice. | K85. Knowledge of the collaborative role between counselor and client in the counseling process. K86. Knowledge of the client’s right to make decisions regarding counseling and services. K87. Knowledge of methods to assist client make decisions and understand consequences. |
| | T40. Administer clinical tests and assessment instruments necessary for the provision of counseling services. | K88. Knowledge of ethical guidelines for selecting, administering, reporting, and storing results of clinical assessments. K89. Knowledge of methods for preventing the misuse of results from assessment measures. K90. Knowledge of referral resources to address testing needs outside scope of practice. |

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| Section | Task Statement | Knowledge Statement |
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| 2.2 Counseling Relationship, Cont. (27%) | T41. Contribute to multidisciplinary team by collaborating with colleagues/other professionals to provide services that promote the well-being of the client. | K43. Knowledge of ethical standards regarding the protection of client rights when engaging in consultation/collaboration with other professionals. K91. Knowledge of methods for establishing collaborative professional relationships to improve the welfare of the client. K92. Knowledge of ethical standards for participating as a member of an interdisciplinary team. |
| | T42. Advocate with and/or on behalf of the client by addressing barriers and/or increasing access to assist client in receiving services. | K93. Knowledge of methods for evaluating client’s capacity to advocate on own behalf. K94. Knowledge of ethical standards pertaining to interacting with third-party payers. K95. Knowledge of ethical standards pertaining to interacting with other service delivery systems. |
| | T43. Maintain practice procedures that provide for consistent care in the event counseling must be interrupted or discontinued. | K96. Knowledge of ethical considerations and conditions for interrupting or terminating counseling. K97. Knowledge of referrals/resources to provide consistent care in the event counseling must be interrupted or discontinued. K48. Knowledge of methods to facilitate transfer when referrals to other professionals are made. |
| | T44. Terminate counseling services when no longer required or no longer benefits the client. | K98. Knowledge of factors and/or conditions that indicate client is ready for termination of counseling services. K99. Knowledge of factors and/or conditions which indicate client is not benefiting from counseling services. K100. Knowledge of methods for managing the termination process. K101. Knowledge of methods to prevent client abandonment and/or client neglect. |

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| 2.3 Business Practices and Policies (15%) | T45. Advertise services by adhering to ethical guidelines regarding the use of accurate representations and information to promote services and/or expand practice. | K102. Knowledge of ethical guidelines regarding the use of accurate representation of qualifications and credentials in advertisements and/or solicitation of clients. K103. Knowledge of ethical guidelines pertaining to the solicitation of testimonials or statements from clients or others. K104. Knowledge of ethical guidelines regarding the recruitment of clients through employment and/or professional associations. |
| | T46. Maintain client records by adhering to ethical guidelines to document services and/or protect client’s confidentiality. | K105. Knowledge of ethical guidelines regarding the documentation of counseling services consistent with sound clinical practice. K106. Knowledge of methods for providing reasonable protection of the confidentiality of client records. K107. Knowledge of ethical guidelines for releasing client records upon request. K108. Knowledge of methods to assist client understand/interpret information contained in counseling records. |
| | T47. Provide clarifying disclosures when changing professional roles to avoid confusion and/or protect the counseling relationship. | K109. Knowledge of the ethical responsibility to clarify roles when acting in a professional capacity other than licensed professional clinical counselor. K110. Knowledge of methods to minimize potential consequences associated with changes in counselor’s role. |
| | T48. Implement policies/procedures that address ethical issues associated with the use of electronic media and technology in the course of providing counseling services. | K111. Knowledge of the potential for harm to client or counseling relationship with the use of social media and/or information technology in the counseling process. K112. Knowledge of the ethical standards for implementing information technology in the counseling process. K113. Knowledge of the limitations and risks associated with electronic means of service delivery and/or distance counseling. |
| | T49. Maintain fee/payment policies that are commensurate with services provided and protect the counseling relationship. | K114. Knowledge of methods and conditions for determining fees commensurate with professional services. K115. Knowledge of prohibited business practices/forms of remuneration for making/accepting client referrals. K116. Knowledge of the potential for client exploitation or harm that may result from bartering for services. K117. Knowledge of ethical standards pertaining to collection of unpaid balances. K118. Knowledge of ethical obligations regarding providing for continuation of services to the client. K119. Knowledge of ethical guidelines regarding the provision of counseling services when interacting with third-party payers. K47. Knowledge of referrals and resources to assist in meeting the needs of clients. |

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|--|--|---|
| 2.3 Business Practices and Policies, Cont. (15%) | T50. Adhere to ethical guidelines regarding the acceptance of gifts and/or tokens of appreciation from clients. | K120. Knowledge of conditions/situations that may impair the integrity or efficacy of the counseling process. K121. Knowledge of ethical standards pertaining to the acceptance of gifts from clients. |
| | T51. Adhere to ethical guidelines for protecting the welfare and dignity of research participants when conducting counseling-related research. | K122. Knowledge of procedures to safeguard participants when conducting research projects. K123. Knowledge of disclosures regarding informing participants of the nature and role of research project. K124. Knowledge of client’s rights regarding participation in research projects. K125. Knowledge of methods for protecting client confidentiality and data when conducting research projects. |
| | T52. Address unethical or incompetent conduct of colleague by taking action to promote the welfare and interests of clients. | K126. Knowledge of conditions/situations that may impair the integrity or efficacy of the counseling process. K127. Knowledge of guidelines for addressing unethical or incompetent conduct of colleagues. |
| | T53. Adhere to ethical guidelines for engaging in the supervisor/prelicensure practitioner relationship. | K128. Knowledge of the ethical guidelines governing the supervisor/prelicensure practitioner relationship and responsibilities. |

LICENSED PROFESSIONAL CLINICAL COUNSELOR LAW AND ETHICS EXAMINATION OUTLINE SAMPLE QUESTIONS

1. Which of the following situations would constitute an unethical dual relationship?
 - a. A current client begins to attend an AA meeting where the counselor serves as secretary
 - b. A current client and the counselor are both enrolled in the same art class at a local art studio
 - c. A counselor continues to receive services from a massage therapist who became a client after having provided services for the counselor
 - d. Two years following a client's termination of therapy, the client and counselor meet each other on the street and decide to have lunch together
2. During an initial session, a client tells the counselor that she is currently seeing another counselor. She expresses angry feelings toward the other counselor and would like to get another perspective on her problems. What action should the counselor take?
 - a. Contract a set number of sessions with the client before sending her back to her current counselor
 - b. Inform the client that she needs to terminate her ongoing therapy before the counselor can provide treatment
 - c. See the client until she makes up her mind which counselor she wants to have for therapy
 - d. Call the current counselor to inform him about the client's desire to change counselors
3. A 65-year-old man comes to counseling for symptoms of depression and anxiety. The client reveals that his 40-year-old son has been living with him and demanding money from the client to buy drugs. The son has also threatened the client stating, "If you tell anyone you will be sorry." What legal responsibility does the therapist have in this case?
 - a. Immediately report the elder abuse to an adult protective services agency
 - b. Discuss with the client the therapist's responsibility to report the fiduciary abuse
 - c. Advise the client to obtain a restraining order against his son to prevent further abuse
 - d. Call the police as the client is in immediate danger of being harmed due to the son's threat
4. Under which of the following circumstances must the counselor report child sexual abuse?
 - a. An 18-year-old dependent adult consents to sex with a 17 year old
 - b. An emancipated 16-year-old consents to sex with a 21 year old
 - c. A 15-year-old consents to sex with a 21 year old
 - d. A 14-year-old consents to sex with a 15 year old

Correct Answers: 1-C; 2-B; 3-A; 4-C