



TEXAS A&M UNIVERSITY  
**SAN ANTONIO**

**College of Education and Human Development**  
**Department of Counseling, Health & Kinesiology**  
EDCG 5339 Legal Issues in Counseling  
Fall, 2024

**Instructor:** Michael Moyer PhD, LPC-S  
**Class time & Location:** Mondays 7:00-9:45, Classroom Hall #305  
**E-mail & Phone:** MMoyer@TAMUSA.edu  
**Office Hours:** by appointment  
**Office Location:** Classroom Hall #214C

**Required Textbooks:**

American Counseling Association. (2014). *ACA code of ethics*. Alexandria, VA: Author. Retrieved from <http://www.counseling.org/Resources/CodeOfEthics/TP/Home/CT2.aspx>

Texas Administrative Code, Chapter 681

[Texas Administrative Code \(state.tx.us\)](http://www.state.tx.us)

Texas Occupations Code, Chapter 503

<http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.503.htm>

Texas Health and Safety Code, Chapter 611

<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.611.htm>

Texas Civil Practice and Remedies Code

<http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.81.htm>

Texas Family Code, Chapter 261 Subchapter B.

<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm>

**Recommended Textbooks:**

Moyer, M., & Crews, C. (2017). *Applied ethics and decision making in mental health*. Sage Publications.

**Course Description:**

This course provides an advanced exploration of the legal, ethical, and professional choices faced by mental health practitioners. Basic ethical issues are reviewed and extended into practical, case-oriented study of current demands and obligations for the mental health issues in ethics, professional liability, risk management, and managed care service environments. A focus will be on

records management, business/family law, and the study/application of current LPC Board Rule. Prerequisites: EDCG 5328 and EDCG 5313.

### **Student Learning Outcomes:**

- Students will be able to identify similarities and differences between ACA ethical standards and Texas LPC board rules.
- Students will be able to identify potential ethical dilemmas and implement an ethical decision making model.
- Students will understand the LPC licensure process and procedures to follow in order to attain full licensure post-graduation.
- Students will be able to identify legal requirements for note taking, record keep, and storage of mental health documents.
- Students will understand LPC board regulations related to appropriate boundaries and keeping client information confidential.

### **CACREP Standards:**

#### **Clinical Mental Health Counseling Standards**

- 2j. legal and ethical considerations specific to clinical mental health counseling
- 2k. record keeping, third party reimbursement, and other practice and management issues in clinical mental health counseling
- 3c. Strategies for interfacing with the legal system regarding court-referred clients.
- 3d. Strategies for interfacing with integrated behavioral health care professionals.

#### **Marriage, Couples, Family Counseling Standards**

- 2o. Ethical and legal considerations and family law issues unique to the practice of Marriage, couple and family counseling.
- 2p. Record keeping, third party reimbursement and other practice and management considerations in marriage, couple, and family counseling.

### **Key Performance Indicator:**

**CACREP CORE OR SPECIALTY AREA: NA**

### **Graduate Class Policies**

A student has the right to expect competent, well-organized instruction for the full number of clock hours allotted for a course; to sufficient written assignments, graded fairly and with reasonable promptness to show the student's academic standing in the course at least before mid-semester; to have ample opportunity to confer with the instructor at published office hours and to review graded written work; to freedom from ridicule, discrimination, harassment or accusations in the presence of other students or faculty members; and to an avenue for appealing to higher academic authority in case of alleged unfairness by an instructor.

### **Student Rights and Responsibilities**

As members of the University community, all enrolled students assume full responsibility for adhering to the university's values and goals. Students are held responsible for staying abreast of their rights as students and for being cognizant on what is deemed proper conduct as outlined in the Student Handbook. The Student Handbook is available through the Student Rights and

Responsibilities webpage: <http://www.tamusa.edu/uploadFile/folders/fcestrad/Pdf/Pdf-635767864704349879-10.100.150.124.pdf>

### **Cheating and Plagiarism**

Students are expected to do their own course work. Simple cases of first offense cheating or plagiarism by an individual student may be handled by the instructor after consultation with the department chair. For more serious cases, such as those involving repeated offenses, conspiracy with other students or the theft and selling of examination questions, a report should be made by the instructor via the department chair and college dean to the provost and vice president for Academic Affairs for disciplinary action. Expulsion from the University is a normal penalty for such offenses. Plagiarism is a serious violation of academic integrity, and students who engage in plagiarism are subject to disciplinary action. The type of disciplinary action will depend on the severity of the plagiarism but may ultimately lead to the student's expulsion from the program and/or revocation of a student's degree, if the student has already graduated. Please review the Student Handbook for a complete description of the process.

### **Class Attendance**

A vital part of every student's education is regular attendance of class meetings. Any absences tend to lower the quality of a student's work in a course, and frequent or persistent absences may preclude a passing grade or cause a student to be dropped from one or more courses upon the request of a faculty member to the Provost and Vice President for Academic Affairs.

Although all of our interactions this semester will be virtual in nature, it is imperative that you make every attempt to be there for all class meetings to interact and share your expertise with your classmates.

### **Absences for Religious Holidays**

The university will allow students who are absent from classes for the observance of a religious holy day to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence if, not later than the fifteenth day after the first day of the semester, that student has notified the instructor of each class to be missed. The instructor may appropriately respond if a student fails to complete the assignment or examination within a reasonable time after the absence.

### **Research on Human Subjects**

Any research that involves human subjects must be approved by the Institutional Review Board for the Protection of Human Subjects at A&M-San Antonio prior to any data collection. Specific forms, instructions, and additional information are provided online:

<http://www.tamusa.edu/graduatestudiesandresearch/irb/irbforms.html>.

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disability. Disability Support Services (DSS) provides services, auxiliary aids and accommodations for students at Texas A&M University-San

Antonio (A&M-SA) who have self-identified, registered and provided DSS with documentation supporting their disability. Students may access additional information on the Disability Support Services webpage:  
<http://www.tamusa.edu/studentengagementsuccess/dss/AccessDSS/index.html>

**Incompletes**

The spirit of the “Incomplete” is to give a student an opportunity to complete a course after the end of the semester. An Incomplete will only be considered under specific circumstances: 1. 70% of the class has been completed and student is passing with a “C” or better 2. The circumstance for which the “I” is requested is supported with documentation 3. Student has been attending class on a regular basis Incompletes are not to be used to remedy excessive absences. Unforeseen circumstances precipitating the request for an “I”, should occur near the end of the semester. Students who are experiencing difficulties at the beginning or midway through the course should contact their professor immediately to discuss options. When a professor agrees to grant an “I”, a contract between the student and professor that outlines a specific timeline for completion of the course will be generated. Topics such as highest possible grade will also be outlined. If the contract is not fulfilled, the professor will submit a change of grade form with earned letter grade. All “I”s will automatically revert to an “F” after one year.

**Dropping a Course**

Each student is responsible for knowing the drop date for any given semester. Professors are not responsible, under any circumstances, for “dropping” a student from a course. Please be aware that if you do not formally drop a course and fail to fulfill the academic requirements, the professor will submit the earned grade.

**Grading Policy**

Late assignments will receive a one-point deduction from the total grade for each day the assignment is late (including weekends). No assignments will be accepted if turned in more than a week after assigned due date.

90 – 100 total points = A

80 - 89 total points= B

70 – 79 total points= C

60 – 69 total points= D

59 – Below total points= F

**Course Requirements**

<b>CACREP Standards</b>	<b>Assignments</b>	<b>Due Dates</b>	<b>Points</b>
<b>CMHCS 3c; 3d.</b>  <b>MCFCS 2o; 2p.</b>	<b>Out of Class Ethical Dilemmas</b> Throughout the semester, students will be responsible for responding to ethical dilemmas posted on blackboard. Students will also be expected to discuss the dilemmas at the next scheduled class meeting to share their ideas with	ongoing	15

	classmates (5 ethical dilemmas over the semester. Each dilemma is worth 3 points each).		
<b>CMHCS 2j; 3c; 3d</b>  <b>MCFCS 2o; 2p</b>	<b>Quizzes</b> Students will be responsible for completing 5 online quizzes over the semester based on weekly readings in the assigned text book and other reading materials (5 quizzes over the semester. Each quiz is worth 6 points).	ongoing	30
<b>CMHCS 2j; 2.k, 3c; 3d.</b>  <b>MCFCS 2o; 2p.</b>	<b>In Class Ethical Dilemmas</b> Three in-class ethical dilemmas and each is worth 5 points each. Instructions will be provided during class.		15
	<b>Participation in class discussions</b>	ongoing	10
<b>CMHCS 2.j; 2.k; 3c; 3d</b>  <b>MCFCS 2o; 2p</b>	<b>Final Exam</b> The final exam will be a comprehensive exam based on materials presented throughout the semester	12/11	30

### Schedule of Course Activities

<b>Date</b>	<b>CACREP standards</b>	<b>Topics Discussed</b>	<b>Reading for class</b>	<b>Assignments Due</b>
8/26		1 <sup>st</sup> week of class, syllabus review, understanding course expectations.		
9/2		Labor Day – Campus Closed No Class		
9/9	<b>CMHC 2j; 2.k MCF 2o</b>	Professional Identity/Counselor as a person	TX admin code 681 Subchapter B	None
9/16	<b>CMHC 2j; 2.k; 3c; 3d MCF 2.o; 2.p</b>	Ethical Decision Making & Legal Decision Making  Ethical Decision Making Models: A Review of the Literature (2011)  A Transcultural Integrative Model for Ethical Decision Making (2011)	Text Provided	None
9/23	<b>CMHC 2j; 2.k; 3c; 3d MCF 2.o; 2.p</b>	Confidentiality	Health & Safety Code 503	Ethical dilemma #1 Quiz #1
9/30	<b>CMHC</b>	Professional Practice	TAC 681 and ACA	Ethical dilemma #2

	2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p		Ethical Standards	Quiz #2
10/7	<b>CMHC</b> 2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p	Guest Speaker – Shannon Kratky LPC		
10/14	<b>CMHC</b> 2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p	Record Keeping	TX Health & Safety Code Chapter 611	Ethical dilemma #3 Quiz #3
10/21	<b>CMHC</b> 2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p	Working with Children, Groups and Families  <b>In-class dilemma #1</b>	TX Family Code Ch. 261 Subchapter B.	None
10/28	<b>CMHC</b> 2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p 3d	Individual/Group workday to complete In-Class dilemma #1		<b>In-class dilemma #1 due</b>
11/4	<b>CMHC</b> 2.j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p.; 3d	Boundaries and multiple relationships  <b>In-class dilemma #2</b>	TAC 681  TX Civil Practice and Remedies	Ethical dilemma #4 Quiz #4
11/11	<b>CMHC</b> 2j <b>MCF</b> 2.o; 2.p	LPC licensure (History of the LPC, applying for, getting and keeping your license) TX Occupations Code 503  <b>In-class dilemma #3</b>	TX Occupations Code 503	<b>In-class dilemma #2 due</b>
11/18	<b>CMHC</b> 2j <b>MCF</b> 2.o; 2.p	Counselor Supervision		Ethical dilemma #5 Quiz #5 <b>In-class dilemma #3 due</b>
12/2	<b>CMHC</b> 2j; 2.k; 3c; 3d <b>MCF</b> 2.o; 2.p	Course Review for exam		

12/9		Final Exam Due		
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## IMPORTANT POLICIES AND RESOURCES

Academic Accommodations for Individuals with Disabilities: Texas A&M University-San Antonio is committed to providing all students with reasonable access to learning opportunities and accommodations in accordance with The Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act. If you experience barriers to your education due to a disability or think you may have a disability, Disability Support Services is located in the Central Academic Building, Suite 210. You can also contact us via phone at (210) 784-1335, visit us <https://www.tamusa.edu/Disability-Support-Services/index.html> or email us at [dss@tamusa.edu](mailto:dss@tamusa.edu). Disabilities may include, but are not limited to, attentional, learning, mental health, sensory, physical, or chronic health conditions. All students are encouraged to discuss their disability-related needs with Disability Support Services and their instructors as soon as possible.

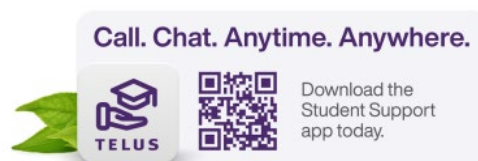
Academic Learning Center: The Academic Learning Center provides free course-based tutoring to all currently enrolled students at Texas A&M University-San Antonio. Students wishing to work with a tutor can make appointments through the Brainfuse online tutoring platform. Brainfuse can be accessed in the *Tools* section of Blackboard. You can contact the Academic Learning Center by emailing [tutoring@tamusa.edu](mailto:tutoring@tamusa.edu), calling (210) 784-1307, or visiting the Central Academic Building, room 202.

Counseling/Mental Health Resources: As a college student, there may be times when personal stressors interfere with your academic performance and negatively impact your daily functioning. If you are experiencing emotional difficulties or mental health concerns, support is available to you through the Student Counseling Center (SCC). To schedule an appointment, call 210-784-1331 or visit Madla 120.

All mental health services provided by the SCC are free and confidential (as the law allows). The Student Counseling Center provides brief individual and group therapy, crisis intervention, consultation, case management, and prevention services. For more information on SCC services visit [tamusa.edu/studentcounseling](http://tamusa.edu/studentcounseling)

*Crisis support is available 24/7 by calling the SCC at 210-784-1331 (after-hours select option '2').*

Additionally, the TELUS Student Support App provides a variety of mental health resources to including support for in the moment distress, an anonymous peer to peer support network, mental health screenings, podcasts, and articles to improve your mental wellbeing.



Emergency Preparedness: JagE Alert is Texas A&M University-San Antonio's mass notification. In the event of an emergency, such as inclement weather, students, staff and faculty, who are registered, will have the option to receive a text message, email with instructions and updates. To register or update your information visit: <https://tamusa.bbcportal.com/>.



More information about Emergency Operations Plan and the Emergency Action Plan can be found here: <https://www.tamusa.edu/about-us/emergency-management/>.

Download the SafeZone App (<https://safezoneapp.com/>) for emergencies or call (210) 784-1911. Non-Emergency (210) 784-1900.

Financial Aid and Verification of Attendance: According to the following federal regulation, 34 CFR 668.21: U.S. Department of Education (DoE) Title IV regulation, a student can only receive Title IV funds based on Title IV eligibility criteria which include class attendance. If Title IV funds are disbursed to ineligible students (including students who fail to begin attendance), the institution must return these funds to the U.S. DoE within 30 days of becoming aware that the student will not or has not begun attendance. Faculty will provide the Office of Financial Aid with an electronic notification if a student has not attended the first week of class. Any student receiving federal financial aid who does not attend the first week of class will have their aid terminated and returned to the DoE. Please note that any student who stops attending at any time during the semester may also need to return a portion of their federal aid.

Writing, Language, and Digital Composing Center: The Writing, Language, and Digital Composing Center supports graduate and undergraduate students in all three colleges as well as faculty and staff. Tutors work with students to develop reading skills, prepare oral presentations, and plan, draft, and revise their written assignments. Our language tutors support students enrolled in Spanish courses and students composing in Spanish for any assignment. Our digital studio tutors support students working on digital projects such as eportfolios, class presentations, or other digital multimedia projects. Students can schedule appointments through JagWire under the Student Services tab. Click on “Writing, Language, and Digital Composing Center” to make your appointment. The Center offers face-to-face, synchronous online, and asynchronous digital appointments. More information about what services we offer, how to make an appointment, and how to access your appointment can be found on our website at <https://www.tamusa.edu/academics/>.

Meeting Basic Needs: Any student who has difficulty affording groceries or accessing sufficient food to eat every day or who lacks a safe and stable place to live, and believes this may affect their performance in the course, is urged to submit a CARE referral (<https://www.tamusa.edu/university-policies/Student-Rights-and-Responsibilities/file-a-report.html>) for support. Furthermore, please notify the professor if you are comfortable in doing so. This will enable them to direct you to available resources.

Military Affairs: Veterans and active-duty military personnel are welcomed and encouraged to visit the Office of Military Affairs for any question involving federal or state VA Education Benefits. Visit the Patriots’ Casa building, room 202, or to contact the Office of Military Affairs with any questions at [military.va@tamusa.edu](mailto:military.va@tamusa.edu) or (210)784-1397.

Religious Observances: Texas A&M University-San Antonio recognizes the diversity of faiths represented among the campus community and protects the rights of students, faculty, and staff to observe religious holidays according to their tradition. Under the policy, students are provided an opportunity to make up any examination, study, or course work requirements that may be missed due to a religious observance provided they notify their instructors before the end of the second week of classes for regular session classes.

The Six-Drop Rule: Students are subject to the requirements of Senate Bill (SB) 1231 passed by the Texas Legislature in 2007. SB 1231 limits students to a maximum of six (6) non-punitive course drops (i.e., courses a student chooses to drop) during their undergraduate careers. A non-punitive drop does not affect the student's GPA. However, course drops that exceed the maximum allowed by SB 1231 will be treated as "F" grades and will impact the student's GPA.

Statement of Harassment and Discrimination: Texas A&M University-San Antonio is committed to the fundamental principles of academic freedom, equal opportunity, and human dignity. To fulfill its multiple missions as an institution of higher learning, A&M-San Antonio encourages a climate that values and nurtures collegiality and the uniqueness of the individual within our state, nation, and world. All decisions and actions involving students and employees should be based on applicable law and individual merit. Texas A&M University-San Antonio, in accordance with applicable federal and state law, prohibits discrimination, including harassment, on the basis of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity, gender expression, or pregnancy/parenting status. Individuals who believe they have experienced harassment or discrimination prohibited by this statement are encouraged to contact the appropriate offices within their respective units.

Texas A&M University-San Antonio faculty are committed to providing a safe learning environment for all students and for the university as a whole. If you have experienced any form of sex- or gender-based discrimination or harassment, including sexual assault, sexual harassment, domestic or dating violence, or stalking, know that help and support are available. A&M-San Antonio's Title IX Coordinator can support those impacted by such conduct in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, and more. The university strongly encourages all students to report any such incidents to the Title IX Coordinator. Please be aware that all A&M-San Antonio employees (other than those designated as confidential resources such as counselors and trained victim advocates) are required to report information about such discrimination and harassment to the university. This means that if you tell a faculty member about a situation of sexual harassment, sexual violence, or other related misconduct, the faculty member must share that information with the university's Title IX Coordinator ([titleix@tamusa.edu](mailto:titleix@tamusa.edu), 210-784-2061, CAB 439K). If you wish to speak to a confidential employee who does not have this reporting requirement, you can contact the Student Counseling Center at (210) 784-1331 or visit them in Madla 120.

Pregnant/Parenting Students: Texas A&M-San Antonio does not require a pregnant or parenting student, solely because of that status or issues related to that status, to (1) take a leave of absence or withdraw from their degree or certificate program; (2) limit the student's studies; (3) participate in an alternative program; (4) change the student's major, degree, or certificate program; or (5) refrain from joining or cease participating in any course, activity, or program at the University. The university will provide such reasonable accommodations to pregnant students as would be provided to a student with a temporary medical condition that are related to the health and safety of the student and the student's unborn child. These could include maintaining a safe distance from substances, areas, and activities known to be hazardous to pregnant individuals and their unborn child; excused absences because of illness or medical appointments; modified due dates for assignments; rescheduled tests/exams; taking a leave of absence;

and being provided access to instructional materials and video recordings of lectures for excused absences, if these would be provided to any other student with an excused absence. Pregnant/parenting students are encouraged to contact the Title IX Coordinator with any questions or concerns related to their status ([titleix@tamusa.edu](mailto:titleix@tamusa.edu); 210-784-2061; CAB 439K).

Texas A&M-San Antonio has also designated the Title IX Coordinator as the liaison officer for current or incoming students who are the parent or guardian of a child younger than 18 years of age. The Title IX Coordinator can provide students with information regarding support services and other resources.

Students' Rights and Responsibilities: The following statement of students' rights and responsibilities is intended to reflect the philosophical base upon which University Student Rules are built. This philosophy acknowledges the existence of both rights and responsibilities, which is inherent to an individual not only as a student at Texas A&M University-San Antonio but also as a citizen of this country.

#### *Students' Rights*

1. A student shall have the right to participate in a free exchange of ideas, and there shall be no University rule or administrative rule that in any way abridges the rights of freedom of speech, expression, petition and peaceful assembly as set forth in the U.S. Constitution.
2. Each student shall have the right to participate in all areas and activities of the University, free from any form of discrimination, including harassment, on the basis of race, color, national or ethnic origin, religion, sex, disability, age, sexual orientation, gender identity, gender expression, and pregnancy/parenting or veteran status in accordance with applicable federal and state laws.
3. A student has the right to personal privacy except as otherwise provided by law, and this will be observed by students and University authorities alike.
4. Each student subject to disciplinary action arising from violations of university student rules shall be assured a fundamentally fair process.

#### *Students' Responsibilities*

1. A student has the responsibility to respect the rights and property of others, including other students, the faculty, and administration.
2. A student has the responsibility to be fully acquainted with the published University Student Rules found in the Student Handbook, Student Code of Conduct, on our website, and University Catalog, and to comply with them, as well as with federal, state, and local laws.
3. A student has the responsibility to recognize that student actions reflect upon the individuals involved and upon the entire University community.
4. A student has the responsibility to recognize the University's obligation to provide a safe environment for learning.
5. A student has the responsibility to check their university email for any updates or official university notifications.

We expect that students will behave in a manner that is dignified, respectful, and courteous to all people, regardless of sex, ethnic/racial origin, religious background, sexual orientation, or disability. Conduct that infringes on the rights of another individual will not be tolerated.

Students are expected to exhibit a high level of honesty and integrity in their pursuit of higher education. Students engaging in an act that violates the standards of academic integrity will find themselves facing academic and/or disciplinary sanctions. Academic misconduct is any act, or attempt, which gives an unfair advantage to the student. Additionally, any behavior specifically prohibited by a faculty member in the course syllabus or class discussion may be considered as academic misconduct. For more information on academic misconduct policies and procedures please review the Student Code of Conduct (<https://www.tamusa.edu/university-policies/student-rights-and-responsibilities/documents/Student-Handbook-2022-23.pdf>) or visit the resources available in the OSRR website

### **No Use of Generative AI Permitted**

The instructor assumes that all work submitted by students will be generated by the students themselves, working individually or in groups. Students should not have another person/entity do the writing of any portion of an assignment for them, which includes hiring a person or a company to write assignments and/or using artificial intelligence (AI) tools like ChatGPT. Use of any AI-generated content in this course qualifies as academic dishonesty and violates Texas A&M-San Antonio's standards of academic integrity.