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# Competence, Clinical Oversight, and Clarification of Roles: Whose Job Is It, Anyway?

*Karen Eriksen*

## Topics

- Competence and clinical oversight
- Role and responsibilities of outside consultants regarding supervisees
- Clarification between supervisor, agency, and university

## Background

Lucinda, a 45-year-old private practitioner, licensed as a professional counselor and marriage and family therapist, counsels clients individually, as couples, as families, and in groups. She uses MaryAnn Walters's competency-based contextual therapy, for which she has received advanced training. She has practiced for 20 years and is considered a master therapist, and thus is pursued as a supervisor. She is well known in her locale for her success with difficult families.

James, in his first semester of field work, works in a nonprofit agency that counsels low-income children and their families. The internship meets part of the requirements for his master's degree in counseling at a local university. His position requires counseling individuals, couples, families, and groups. His supervision at the agency (as it was initially set up) meets state requirements, that is, 1 hour per week of individual supervision and 2 hours per week of group supervision with no more than eight interns in a supervision group and each supervisor providing individual supervision for no more than three interns. James wishes to attend a supervision group that Lucinda is running out of her private practice in the hope that he will receive more, and perhaps better, supervision than he is receiving at his agency. James worked for 2 years following his bachelor's degree at a crisis hotline; is the president of the Connection, the student association for the counseling students at the university; and receives top grades at the university. He is 28 years old.

During the informed consent process, Lucinda informs James that she will not be legally responsible for his clients because she is not his site

supervisor; therefore, her group would officially be consultation for him. This means that his supervisors would have the final word on any client issues. Lucinda discusses the boundaries between herself and his other supervisors. He understands these and agrees with them. He indicates his wish to learn more about Lucinda's particular school of family therapy and about how to apply the theory to the clients he is seeing; he feels he is unlikely to receive such information at his site or his university, which operate from a different theoretical orientation. Lucinda agrees to admit him to the supervision group. They sign her usual consents related to fees, schedule, cancellations, responsibilities for clients, and what to do in ethically challenging or dangerous situations.

However, Lucinda also asks for the phone numbers of his university and site supervisors and asks for permission to speak with them to clarify boundaries and responsibilities. Initially he is a bit reluctant because he does not want his site supervisor to feel insulted by his reaching beyond what she is offering him. Lucinda suggests that because ongoing professional development is expected of counselors, and because her group will not be supervision per se for him, she could propose their experience as a further learning and growth opportunity for him. He agrees to this.

Lucinda contacts both supervisors, explains that James is pursuing greater knowledge and understanding of competency-based contextual family therapy, and, if the supervisors agree, will be participating in her consultation group. She indicates her work with him will only be consultation, not supervision, and that in any conflict between her consultation and the supervision, the supervisors would have the final word because they are legally responsible for the clients and most aware of the specifics of the site and client needs. She also requests to consult with them if she has any concerns about what James relays during the groups. Both the site and university supervisors respond positively, adding that James is lucky to have a place in one of Lucinda's groups, as they know her reputation. They also voice relief to have another professional who they can trust helping them out, as the demands of the agency and university are often overwhelming.

## Incident

During James's initial meetings with the supervision group, Lucinda discovers that the site has only one licensed supervisor, Gerry, with whom Lucinda had previously spoken. Eight interns from various universities work at the agency's three sites, and these interns provide all of the agency's counseling services. The supervisor is located and conducts supervision at the main site, 1 hour from James's rural site. James is the sole mental health provider at his site and works afternoons and evenings. The part-time receptionist at his site is not physically present during all of the hours he is counseling there. When Lucinda asks James during the 2nd week of the semester how many clients he is seeing, he tells her nine plus a group of eight women with domestic violence issues.

In initial discussions, Lucinda voices concerns about the lack of an on-site supervisor (to which he responds, "She is always available by cell phone") or the presence at his site of any other licensed or unlicensed mental health providers. She expresses fears for his safety at a rural location where the violent domestic partners of his group clients live. Lucinda also expresses concern about the number of interns this site supervisor is supervising, which could mean legal responsibility for upwards of 80 clients or families if each intern sees 10 clients. Finally, Lucinda worries about the number of clients referred to James at the beginning of his field work; she believes two or three clients would be more reasonable. When she gives voice to her concerns, James becomes defensive, indicating that he can handle it. He also tells her that this is a unique opportunity for him because unlike many of the other sites, this one is near his home. He worries that his internship situation will get "messed up." He feels pressured to finish his degree on time because he is about to have his third child and is bringing in less than adequate income while doing his internship. Of course, he isn't required to come to Lucinda's supervision group, and so could dismiss her concerns by terminating with the group. However, regardless of his available choices, she worries about his abilities this early to assess his capacities, to know when he is over his head, to be put in a position of so much responsibility when he is so green, and to navigate among the competing messages from Lucinda, the university, and on-site supervisors (who apparently have decided that this set-up is okay). Lucinda tells James that she will need to consult with his supervisors.

When Lucinda contacts the site supervisor, Gerry, she is quite sympathetic to Lucinda's concerns. She shares these concerns because she knows the site is out of compliance with state supervision requirements for interns. She informs Lucinda that the agency recently lost a large grant, and as a result had to lay off all of its paid and licensed professionals. The agency still has the same large number of clients in need, but they have to be seen by interns or not at all. She expresses anxiety about the interns, about the clients, about her job, and about what the owners of the agency are going to do to rectify the problems. In a second phone call, she sounds relieved that the owners have decided to pay licensed people hourly for their presence at the distant sites, which will assist her on a number of different levels.

Lucinda also contacts the university supervisor, who is shocked at her news, as this site has been approved for years by the university and had previously met all of the university's rather stringent requirements, as well as the state's Board of Behavioral Science training requirements. She clearly did not know that this problematic situation existed and indicates that she will "get right on it."

As a result of the supervisors' responses, Lucinda assumes that the problematic situation will be rectified soon. James does indicate that he has reduced his client load to five clients and a group, although he feels really torn because of the very needy clients who will now not receive counseling. Four months later, Lucinda discovers from James that he is still alone at his site with no licensed professional, and that aside from reduced numbers of

clients, the same circumstances still exist. Furthermore, his site supervisor has not been contacted by the university. When Lucinda again expresses concern, James indicates that he has things under control, that he is doing fine, that he feels no undue stress, and that his clients are all getting better. He believes there is nothing to be worried about.

## Discussion

This case contains elements that are related to working contracts among the various stakeholders, the counselor's rather youthful abilities to evaluate his capacities, the site's legal and ethical compliance with supervisory requirements, the lack of communication between the site and the university, and the very real needs of low-income clients who are unable to receive services anywhere else. Also a concern is the level of ethical responsibility shared by group members who have now also become aware of these situations. All of these will be concerns whether or not James decides to continue his participation in Lucinda's supervision group.

## Questions

1. What do you think about students participating in consultation groups, where they will discuss clients from another site, concurrently with receiving onsite and university supervision? How successful would a beginner be at navigating among multiple role models, suggestions, or clinical models? What concerns might you have? What might you do to address these concerns were you responsible for the consultation group?
2. What red flag might pop up for you when James mentions the desire for "better" supervision outside of the agency? How might this have been addressed?
3. What might Lucinda have done differently before allowing James to enter the group to preclude the development of these concerns?
4. How might Lucinda address the student's inflated assumptions about his capacities in a developmentally appropriate way, and without discouraging him or leading him to believe that Lucinda does not have confidence in him?
5. What should Lucinda do with the information she has now, after 4 months have passed? If you were her, how would you keep from alienating James, given whatever you have decided to do? If Lucinda does alienate James and he decides to terminate with the group, what responsibilities does she still bear ethically and legally?
6. Will the hours spent in the supervision group meet Council for Accreditation of Counseling and Related Educational Programs or state standards for hours of supervision?
7. What gender issues might you be concerned about?
8. Any other thoughts about this case?

## Response

*Lori Ellison*

At first glance, this appears to be a less-than-ideal situation even though Lucinda's supervision experience is well reputed. The fact that James feels the need to reach beyond his current level of supervision is telling. He wants to be a competent counselor and may be doing a fine job for a student at his stage of development. However, his lack of experience makes it difficult for him to assess his own level of skill. One cannot report what one does not know is wrong. No matter what level of skill he has, it is doubtful it is adequate for the load that he is being asked to shoulder virtually alone.

It is likely that the mixed messages, both practical and theoretical, that he is receiving from his site supervisor and his university supervisor versus what Lucinda is telling him also add to the confusion. Lucinda made it clear from the beginning that the site supervisor and university supervisor would have the final say, yet these two are leaving him in a dangerous professional position that she questions. The center's financial woes notwithstanding, this situation could have been corrected with the suggestion Gerry made to have a part-time supervisor located in their satellite clinics. Unfortunately, the center never followed through on this promise.

Another concern is that the clients James sees must have informed consent regarding the additional supervision James is getting from Lucinda's group. Many more people now will have access to his clients' confidential information. They have a right to decide whether they want their information shared with this group or not. Nothing at all was mentioned about this in the scenario.

An additional concern is the ethical obligation the school appears to be neglecting in providing sufficient supervision for this student counselor. The isolation of his work without a supervisor on the premises is asking for trouble. It would be risky for a seasoned professional to work under such circumstances; to ask this of a counselor trainee is unthinkable. Were a crisis of any sort to occur when James was there alone, particularly if Gerry could not be reached, he could be vulnerable, both personally and professionally.

His professor's and supervisor's dismissal of the concern Lucinda has voiced indicates there is a problem beyond the student's capabilities. It is the responsibility of the counselor educator to ensure that the counselor-in-training is receiving adequate supervision at his or her site. Once the situation at the site became clear to the university, action should have been taken. At the very least, the number of interns could have been reduced by reassigning them to other sites to make the supervisory relationship more manageable. This may greatly reduce the number of clients served, but it is the more responsible decision to provide adequate supervision for the protection of clients who are served.

The ethical codes are clear about counselor competence. Counselors are only to practice within the competence level their supervision has provided for them. James appears to be forced to practice above his skill level, and his supervisors seem to be okay with this. Lucinda's duty and that of her group members is to protect the clients whom she now knows may be at risk. The

*ACA Code of Ethics* (American Counseling Association, 2005) states that counselors should consult with those showing impairment "and intervene as appropriate to prevent imminent harm to clients" (Standard C.2.g.). Although Gerry may not have been able to control the decision of the owners, as a supervisor she did have an obligation to protect all clients seen by student counselors. Although she is trying to manage the situation, it is neither prudent nor effective to provide supervisory support for all eight interns at once by herself when the standard is no more than three. Regardless of James's response, Lucinda has a responsibility to report the egregious lack of supervision from which all of the interns at this agency are suffering. This agency is so heavily dependent on counselor interns that it is ill-equipped to supervise and manage them responsibly.

The hours accrued in Lucinda's group supervision should not be counted for Council for Accreditation of Counseling and Related Educational Programs or state standards, as the agreement with Lucinda clearly defined this relationship not as supervisory but as a consultant. Because the supervisor-student ratio at the agency does not meet state standards, it may be questionable as to whether those hours count. If they were deemed legitimate, then only the hours accrued by the site supervisor and the university supervisor should be reported.

That James sought additional help from a female supervisor might show that gender does not affect the dynamic of the relationship. However, the female-supervisor-to-male-trainee relationship has been shown to have some unique dynamics that can be potentially conflictual (Wester & Vogel, 2002). Perhaps his supervisors, at least one of whom is also female, decided that his skills were well enough developed to place him in such a vulnerable position. Perhaps it was merely the escalating voice of necessity that forced the choice. Either way, when Lucinda confronted the insufficient supervisory oversight, James bristled. Is it more a competence issue? Perhaps, but it may also reflect a gender bias or at the very least a communication difference.

Lucinda must encourage the skills that James is developing and affirm that he is progressing in his abilities, but also tactfully enlighten him to the truth that the more a counselor knows about the counseling profession, the more the counselor learns what he or she does not know. James must learn to accept that all counselors will need supervision from time to time; we simply can't know and be able to do everything. Purposeful and tactful instruction on the appropriate assessment of one's skills would go a long way toward helping James accept this about his own skill level. Lucinda must work to help him understand the importance of adequate care for the sake of his clients and for his own sake as a counselor trainee.

## References

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chologists [Electronic version]. *Professional Psychology: Research and Practice*, 33, 370-376.

## Response

### *Warren Throckmorton*

This situation, like so many in the helping professions, is a reminder that the road to ruin is paved with good intentions. Whatever Lucinda's motivations were, it is admirable that she would want to help a motivated young trainee. However, problems quickly arose despite her initial efforts to craft some boundaries.

Although I am sure that supervision from multiple supervisors has worked for some clinicians, I am skeptical that this is the optimal arrangement for most trainees at James's level of competence. The primary reason relates to theoretical and technique mastery. The case study noted that James felt he would be "unlikely to receive such information at his site or at the university, which operate from a different theoretical orientation." I see nothing in the case that explored what kind of theoretical or technical perspective the site or university supervisors provided. If the theoretical orientations are radically divergent, how will the trainee integrate the two? More practically, how will he decide what clinical strategies to implement? If his university and site supervisors direct him to make an intervention at odds with Lucinda's consultation service, then what will James do?

Generally speaking, trainees are not capable of integrating perspectives when they are not technically proficient in either two or more theories. This arrangement may serve to confuse James, erode his development as a counselor, and risk harming his clients. Lucinda should have addressed this straightforwardly with James. I would want to know what James believes is inadequate about his current supervision at the university and on the site. Like many trainees, James has many balls in the air and is juggling roles at home, work, and school. Trainees often feel they have to please everyone and that the chief end of their graduate experience is to finish without making a professor or supervisor angry. So instead of confronting a situation at school, students may try to get help in a variety of ways. I can't fault James for trying. Had I been Lucinda, I would hope I would remember to ask several questions, such as

- From what theoretical perspective do your current supervisors operate?
- What is your level of agreement and comfort with those theories and perspectives?
- How do you get along personally with the supervisors?
- Are you afraid for any reason to raise your concerns (as was implied in his initial reluctance)?

A difficult aspect of this case is how to address James' inflated assumptions about his capacities in a developmentally appropriate way. It would be optimal to do so without discouraging his enthusiasm for the profession. Self-

disclosure from Lucinda about her own training experiences may help James integrate her concerns. Most master therapists have war stories to pass along, and I suspect it would have been helpful to James to hear that Lucinda's concerns derive in part from her own training process. I think Lucinda can make it clear that her extra care in deliberating over his involvement is not a personality issue. She wants him to get the best possible training experience given his circumstances, and being in her group may not be in his best interests at present. In thinking about how to resolve the case, several questions may be posed. What should Lucinda do with the information she has now, after 4 months have passed? If you were her, how would you keep from alienating James, given whatever you have decided to do? If Lucinda does alienate James and he decides to terminate with the group, what responsibilities does she still bear ethically and legally?

My primary concern would not be James's feelings, although I would try to handle the matter as sensitively as possible. I would also let James know that my calls to the university are efforts to model appropriate ethical responses to what is a complex but potentially harmful situation for all involved. I think James could actually learn much about how professionals handle real-world problems. Lucinda has a professional duty to advocate for improved conditions, not only for the sake of the trainee but also for the clients of that agency who are not being adequately served.

If James does decide to terminate from her group, or given the circumstances, Lucinda terminates his involvement, she still has a duty to advocate for the clients of the agency and the trainees who are placed there. She may need to indicate to the professors at the university that she is prepared to report her awareness to the appropriate state oversight agencies. As far as her legal exposure, I would immediately consult with both my personal attorney and professional liability insurer.