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Ethical Considerations for Addiction Professionals¹

ABSTRACT

Ethics as defined by Webster's New World Dictionary, third college edition is a system or code of morals of a particular person, religion, group, profession and so on. Usually in numerous professions such as medicine, counseling, addictions, law, business and others, a code of ethics is frequently written in an attempt to establish a guide for members of that profession to abide. In addition it is also frequently used as a way of advertising to the public at large the worthiness and professionalism of the people in the field. In this way it serves to protect the good name of the profession by ensuring that individuals who work in the field adhere to the rules.

However, establishing a system or code that is followed is easier said than done. Our society is made up of a polyglot of people from a wide array of cultural backgrounds, religions and nationalities. Behaviors that may be acceptable by people in a particular community, may not be accepted by those in another. Of course there are some kinds of conduct that are condemned by all groups. For example, murder, theft or rape are examples that come to mind of behaviors that are universally condemned. But certain behaviors that may be O.K. in one culture may not be accepted as appropriate by those in another. To further complicate matters, the field of therapy in general and addiction treatment in particular is unique in the service that is being provided. The relationship between a therapist/counselor and a client can be intense, volatile and rife with conflicting emotions, most often on the part of the client. Many clients begin to see the counselor as some kind of special person, and this can range from Guru to father figure. This situation could exist with clients who do not have substance abuse or any addictive disorders and it is possible that clients in recovery may experience these feelings more intensely. The counselor needs to be very aware of his/her own behavior and cognizant of what is communicated to the client. An understanding of ethical behavior could be helpful at these times. The counselor must be sensitive to his/her feelings toward the client and not be guided by them, that is remain empathetic but objective.

Let us take a look at ethics as a set of principles that can serve as means of guiding behavior. Then we will take a look at how ethics is used by professional organizations as a means of sustaining or enhancing their reputation. As well as questioning if there

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are circumstances that create problems for addiction counselors more frequently than other counselors? And that these circumstances revolve around ethical matters. What are the ramifications of breaching the ethical rules of certification boards? Legal and otherwise?

ARTICLE

The Beginning

Perhaps this business of ethics started before Aristotle but his philosophical position on the matter is a good place to start. Aristotle writes about moral and ethical dilemmas in his Nicomachean Ethics Book VII. (1) He identifies “akrasia” or internal conflict as knowing the right thing to do, doing or acting in a way that is contrary to it. Usually as a result of passion or indulgence. (2)

In the same Book, Aristotle introduces the term “phronesis” which he describes as knowing what is good for us, and acting in concert with this knowledge in a fully actualized way. Aristotle also writes about continence and incontinence and describes a continent person as one who acts appropriately in spite of being tempted to act in a contrary way. The incontinent person he describes as one who knows what is right but nevertheless acts in an inappropriate way. (3)

These ethical questions that Aristotle considered are still with us today. Perhaps more pertinent than ever before. We ask ourselves, who determines the right behaviors? Or what are the appropriate behaviors? Who sets the standards? Who determines values? What is good and conversely what is bad? Why would a person, a professional who has worked hard at attaining some goal or special qualification, engage in behavior that could result in him or her suffering serious consequences? Sometimes to the extent that the individual not only loses his or her ability to earn a living in his chosen field, but even risk criminal prosecution? Aristotle reasoned that a person who acts inappropriately knows what is right but is weak of will or their ability to use their knowledge in the situation is not sufficient to prevent the person from doing what is wrong. (4)

It seems to me that Aristotle dealt with Ethics both from the view of a philosopher and as a guide to living a moral life on a day to day basis. Aristotle was an academician and interested in understanding, developing and teaching subjects to his students. Ethics was not the only subject that interested him. He studied other subjects as well such others as philosophy, anatomy, zoology, and biology.

The word “ethics” as used by Aristotle had a philosophical meaning and apparently was derived from the Greek word “ethos.” “Ethos” or the character of a person is what Aristotle wrote about in his Nicomachean Ethics. He elaborates that the continent person is guided by his reason and not by his feelings. The incontinent person knows the right behavior, but is swayed by his feelings and desires and acts unethically. (5)

It should be mentioned that during the time of Aristotle there were other philosophers who lived during the same time and who had very different perspectives. The most well known was Socrates who thought that it was not possible for a person to knowingly act contrary to what he/she thought was in their best interest. (6) Socrates therefore felt that there was no such thing as “incontinence.”

Why did Aristotle and these other philosophers think it was necessary to behave in a certain way? They seemed to think that living by certain standards resulted in

happiness. Perhaps Aristotle spoke exclusively with teachers and students and others in his circle of colleagues. That would certainly influence his perception of how men should behavior and live. It is hard to imagine that during those days in Greece that peasants, soldiers of low rank and slaves would be much concerned with what Aristotle described as ethical behavior leading to happiness. Or perhaps ethical behaviors or values matter across the spectrum of any society regardless of the individual's social or economic status. And if so, is it the same ethical standard for everyone?

A more recent admirer of Aristotle, Ayn Rand who was a philosopher in her own right, attempted to establish ethics as a science. (7) Ayn Rand named her system of philosophy "Objectivism." Ethics was just one aspect of her philosophy which she stated was made up of Metaphysics: Objective Reality, Epistemology: Reason, Ethics: Self-Interest, Politics: Capitalism. (8)

Miss Rand was very blunt in her view that the measure of man's ethics is his survival as a rational being. Objectivist Ethics places great value in man as a rational being and rationality as a basic virtue. The objectivist reasons that each man is an end in himself, he must act in his own rational self-interest and as long as he does not use force to ensure his survival or in anyway abuse others, he acts appropriately. The problem is defining the term, "abuse." Abuse has a much broader meaning today in different communities than it did several years ago.

Objectivism at first appears to be a straight forward philosophy and parts of it maybe, easily understood, but it is a complex system. It is different from some other ethical systems that derive their guidelines from a deity. Miss Rand defines Ethics as a code of values to guide men's choices and actions that determine the purpose and course of his life. (9) If that is the case then as long as men acted within this code it would not matter what his societal status.

However a new question arises, and that is, are all purposes the same? Does it make any difference? Ayn Rand's objectivist ethics holds that man's life is the standard of value and his own life as the ethical purpose of every individual man. (10) In fact unlike the values of some major religions that place great emphasis on the hereafter, the ethics of the objectivist is based on the idea that human life is an end in itself. The challenge or task of the human being is to rationally define a set of values that lead him to achieve his own happiness. This achievement is possible according to Ayn Rand through man's basic virtue which is "rationality." (11)

For any number of missteps it seems that human history is filled with numerous examples of men and women acting in ways that are destructive both to themselves and those around them. But the challenge has always been greater for those who have power and the willingness to use that power in arbitrary ways for good and bad. Simply because the use of power and/or influence can be corrupting. And so philosophers, religious leaders, politicians and others have overtime attempted to codify the "right" way to behave. To quote Viktor E. Frankl, "Since Auschwitz we know what man is capable of, and since Hiroshima we know what is at stake." (12) Well men knew long before Auschwitz what man was capable of, however there may be a tendency for most humans to put aside horrible acts. Perhaps that is why these acts have been repeated throughout history.

In considering ethics under the most dire of circumstances, it is possible to conclude that except for the most extraordinary individuals ethical considerations lose their efficacy when individuals are confronted with life and death decisions. As an example Dr. Frankl writes, that in the concentration camp in which he was an inmate; from time to time a “transport” of prisoners to another camp would be announced. The prisoners knew that the transport’s final destination would be the gas chambers not another camp. At that point all that mattered to the prisoners was that their name not be on the list. Dr. Frankl states that there was neither time nor desire to consider moral or ethical issues. Every prisoner was focused on making sure his number was not on the list. (13) Would their behavior be considered “ethical”?

So the field of Ethics and the study of the subject are attempts to determine what is good, and or what is right both for the individual and society as a whole. Since Aristotle’s time the field has expanded into different branches such as Metaethics, Normative and Applied ethics. In the Wikipedia Free Encyclopedia, Metaethics is described as the investigation of the nature of ethical statements. Normative Ethics is described as the attempt to arrive at practical moral standards that tell us right from wrong. Applied Ethics is so named because it is the application of normative ethics to a specific problem. (14)

However, ethics is not merely an abstract entity to be studied and written about in universities. In one form or another, the subject has concerned man throughout history, manifesting itself as tribal rules, religious commandments and all manner of laws. Why? Perhaps without standards, living would be even more chaotic and dangerous that it is. Even within the field of ethics there are numerous shades.. Ranging from the Deontological theory of morality which takes the position that human beings have an intuitive knowledge of right and wrong, to the Social Contract Theory that says that each individual has an implicit agreement with society, with the understanding that the individual agrees to submit to the authority of the government and its laws in return for the government’s protection. Or another example is Consequentialism which says that an action is morally correct depending on its effect. If the effects are those which promote happiness then the action is moral. Assuming that no one has been harmed and so on.

Clearly both ethical and moral issues have travailed humans for some time now. Dealing with these issues were no less difficult in the past than they are today. Thinkers and philosophers have tried and continue to try to codify guidelines in one way or another. The so-called Utilitarian Approach was devised to help legislators in the 19th century to achieve a balance between good and evil. This approach was conceived by Jeremy Bentham and John Stuart Mill. (15)

The Challenge for the Addiction Services

The field of addiction is occupied by those who provide services and those who are recipients of those services. The majority of patients or clients are adults. The goal of treatment in most cases is to live a substance free life or at the very least to live as normal a life as possible even if the addict has to rely on chemical treatment in order to maintain some semblance of normality.

The majority of companies or agencies that provide treatment services are funded by a combination of revenue streams. These funding streams may come from government

grants, contracts, private donors or from the patients themselves. Regardless of where the funding comes from all of these entities are required to meet certain standards depending on the type of services provided by the agency as a whole and the services provided to any particular client. The client may be a teenager or an adult, male or female, addicted to any one or more substances. Or the client may be addicted to certain types of behaviors.

The facility may be located in any one of the states in the United States. Each state has its own requirements for the provision of services by private providers. The provider may be located in a rural area or in a city. Each of these variables make a difference as to how the provider operates. Most states have their own rules and laws which differ in some degree to other states.

Professionals in each state are licensed or certified and a few are self-employed. Although the standards and rules may be the same for these folks, there are important differences for those who are self-employed. These differences are separate from ethics and have to do with the rules and regulations of business matters.

In each of the scenarios above there are compelling issues that dominate the daily life of the individuals. For those who work in agencies or companies such issues as organizational and individual performances, that focus on outcomes, revenue maximization, competition and accreditation standards tend to push aside what seems to be an esoteric matter like ethics. It is not that the organization or the individuals consciously discount the importance of moral content in what they do, it is simply that unless the organization's culture deliberately encourages ethical behavior and conversely punishes unethical behavior, employees in the organization forget about it. Most organizations do not overtly give kudos for ethical behavior. It is an expectation that many in organizations take for granted and pay little attention to, unless or until some unethical behavior results in a cost to the company.

Lately as a result of the recent large corporation scandals like Enron and others there has been much attention paid to corporate governance, codes of ethics and standards of conduct. Unfortunately as these scandals fade into the background, so will the current spotlight on corporate behavior. Nevertheless some agencies and a few individuals will remain concerned about this topic because unethical behavior seems to be commonplace. Retail stores in particular deal continuously with this issue, not because of the well known problem of customer shoplifting that goes on daily, but theft by employees.

No one seems surprised when reports about the dumping of polluted chemical wastes in rivers or Medicaid fraud or the misuse of corporate funds are covered in the news. The climate seems to be that this is normal, everyday kinds of behavior. This is not surprising if we consider the motivation behind these behaviors. For many people engaged in working and earning a living their objective is loosely described as "getting ahead." This is another way of describing "success." To put it in crass terms it means having a lot of money and if possible power and influence. Usually the only way people measure this "success" is in terms of the amount of money that a person earns or accumulates. It seems easier to forgive a person of wealth moral lapses. Even more so the person of great wealth. Or for that matter the politician who has been elected to high office and attempts to use power and influence to add amendments to bills in order to provide "pork" for his/her constituents or contributors. An example was recently printed in the New York Times (16) regarding the replacement of a \$4

billion dollar tax break for tobacco exporters. The bill degenerated into a \$140 billion dollar fiasco which included tax breaks for shipping companies, oil and gas companies, bow and arrow makers, owners of corporate jets and manufacturers of fishing tackle boxes. In fact one representative was prompted to say that "It (the bill) stinks to high heaven." Except for the scale of this one, this kind of behavior is not unusual.

Even though he/she knows that the amendment is wasteful, it is considered business as usual. Or politics as usual would be more precise. And so we have this type of unethical behavior permeating the fabric of society making it very difficult to draw clear boundaries between what is ethical and what is not. Because someone could justifiably ask, how else could you get your political business done?

Contributing to the problem is the lack of attention that ethics in general is given in schools at all levels. Graduates are well prepared in their specialties, but appear not to have been properly schooled in matters of ethics. A cursory three (3) credit course suffices and the student moves on. Many students are children of the same adults in society that we have been talking about. They have listened to the adults talk in their homes. They are cognizant of the news. They are imbued with the values of the society in which they live and these values are taken with them as they go out into the working world.

Ethical Behavior in Organizations

The ethical climate of any company is largely established by or from the people at the top. The kinds of behaviors that senior managers exhibit and reinforce become the norm. Sometimes situations arise that are not clear and it is at these times that well written corporate policy on ethical behavior is helpful. Generally companies that have a record of high ethical standards will tend to have employees who act ethically, and companies that have the opposite climate will have employees that make the opposite decisions. In other words a predisposition is created in the company by its leadership that influences those who work there.

An ethical climate in a company is created by those who lead the company. It does not occur miraculously. If a certain behavior is desired that behavior must be reinforced. An employee coming into an organization not only has to be able to do whatever duty or job the person was hired to do, but also to learn the "culture" of the company of which ethics is just one of many aspects. If the corporation is a large one, then a bureaucracy has been established in which a number of relationships have been established and functioning. In this mix to a lesser or greater extent would be the climate of the moral or ethical code of the company.

Even when there is a consensus on an ethical standard it is frequently driven by a concern about legal penalties. Although it is possible for an action to be legal but unethical. The concern is usually regarding the ramifications around the law. For example it may be legal for a therapist to have frequent dinners at a public restaurant with his/her client, but it is probably not an ethical thing to do. Unless a specific legal matter concerning these dinners arose not too much attention would be given to this behavior.

Rules of Conduct

Most states if not all have different boards that set the rules and standard of conduct for a variety of professions. In Florida in the field of addictions the organization that is responsible for oversight is named the Florida Certification Board. This “body” is responsible in Florida for providing certification for substance abuse counselors, prevention specialists and criminal justice professionals. As in most of the similar organizations in other states the “board” is charged with ensuring that the people who are certified to provide services to the public are capable and competent.

The organization is also responsible for establishing, educating and enforcing its Code of Conduct as applied to those professionals licensed or certified in the field of alcohol and drug treatment. Towards that goal the “board” as the Certification Board is referred to sets the standard starting with those who are seeking to become certified.

The Florida Certification Board has rules of conduct and a disciplinary process that is followed if there are any violations of the rules. (17) This is probable very similar to most states. The reason for having these rules of conduct is to first of all, to establish and maintain a high level of competency as reasonably possible, secondly to assure the public at large and the authorities that there is oversight of the professionals in the field by a responsible “governing” body. There exists within this organization an “ethics committee” whose responsibility it is to sanction both certified professionals and those seeking certification who violate the Code of Conduct.

The rules of the FCB are quite specific in many instances, and certain procedures and sanctions are spelled out very deliberately. The rules are applicable to all professionals who are certified by this board. Then there are professional standards that are described in detail and pertains to conduct as it relates to behavior in the fulfillment of professional responsibilities.

The rules go on to address that any public record pertaining to arrest, charge, disposition or sentencing of a certified professional, or person seeking certification could lead to disciplinary action. Other separate rules address sexual misconduct, fraudulent behavior, exploitation of consumers, the safety and welfare of clients, and the need for appropriate records management i.e. no falsifying or amending of records or filing of false reports.

Penalties for Rule Violation

The consequences suffered by a professional or candidate seeking certification for violating the rules include, denial of application for certification, written caution, public reprimand, suspension or revocation of credentials, the imposition of fines ranging from a 1st offense of \$500.00 to a 3rd offense of \$1000.00. Or under certain circumstances immediate suspension or revocation of the professional credential. (18)

Since the consequences can be quite serious, the process from complaint to recommendation follows very stringent guidelines as follows:

Complaints: A person who wishes to file a complaint must fill out a “complaint form.” The form must contain the complainant’s name, address, phone number and signature. The form must be mailed to the address of the Executive Director of the Florida Certification Board. Once the director receives the form he/she shall acknowledge receipt of the complaint and initiate the investigation process.

Investigation Process: The Executive Director notifies the counselor by certified mail of the name of the complainant and provides a copy of the complaint. Within a specific period of time the counselor is entitled to submit a written response, including any documentary evidence and list of witnesses that the counselor believes will assist the Board in its review of the allegations. Misrepresentation by a counselor, failure to provide information, or a failure to cooperate with the investigation is enough to be considered independent grounds for disciplinary action. The Executive Director conducts an initial review of all complaints filed with the FCB. However, the Executive Director is not alone, he/she has the assistance of an Ethics Committee.

After review the Executive Director may recommend to the Ethics Committee that it dismiss the case, or initiate a more thorough investigation. Once the investigation has been conducted the Executive Director submits an Investigation Summary Report to the Ethics Committee. If criminal behavior may have occurred the Director may report the alleged criminal behavior to the appropriate authority.

The rules of the FCB call for a written decision from the Ethics committee within 30 days of the Executive Director's recommendation. As previously outlined the penalties range from minor to major. However, there is an appeal process for either the complainant or the counselor. It must be done via certified mail and no later than 20 days after receipt of the decision. The appeal has its own process that is followed and the decision reached at the end of it, is considered final. (19)

Reinstatement

If a certified professional has been suspended or his/her certification has been revoked, the Ethics committee may authorize reinstatement once the expiration period has been expired. It seems that this usually occurs unless the counselor has failed to comply fully with the terms of the suspension. (20)

The reinstatement of a professional's credential after revocation is not automatic. It is up to the discretion of the FCB whether to allow the counselor permission to petition for removal of revocation. This request will only be considered after thirty-six (36) months. After that a process is involved which can be costly and time consuming. It also requires following the procedures for normal applications for certification including all the required examinations. (21)

Clearly when we review some of the rules and procedures that the Florida Certification Board has established what becomes apparent is the following: The Ethical standards of a corporation or board may not follow regular legal principles. At times the ethical standards established for counselors may converge with the "law" but it is important to understand that they may not. An addiction counselor must be aware of the appropriate ethical standards of his/her profession and also understand that the behavior may or may not be illegal in a criminal sense. Nevertheless failure to conform to the standards may

result in censure and loss of licensure to work in the field.

Addiction professionals primarily work with addicts or recovering addicts. One can argue that any individual who has been addicted to substance for any period of time has for time had their normal development interrupted, primarily because their sole focus while addicted was obtaining their drug of choice. Very little concern and care or none at all is given to other areas of their life. Consequently during the time of treatment or early recovery there is an awakening of feelings and emotions that adds to the inner turmoil and confusion that the addict is already experiencing. This is a vulnerable time for the client. It is also a time when the counselor needs to be very clear about his/her personal boundaries. If the counselor is any way unstable or confused about where these boundaries need to be, and then this becomes an unhealthy and non-therapeutic situation.

During this period the client is under internal pressure to ease or eliminate an ill defined discomfort or malaise that he/she feels continually. The client seeks relief and to some extent will reach out in both appropriate and inappropriate ways. The therapist/counselor needs to exercise care in these situations. All counselors eventually are confronted with dilemmas. This is when it is so critical to seek advice in clinical supervision or ongoing training. Clients are in the predicament they are in for many reasons, certainly for drug abuse. As a result they may not exhibit a level of decorum or balanced behavior that is expected, nevertheless they have a right to expect competent and definitely ethical counselors.

Our society always was or has become a litigious society. It behooves the counselors to take reasonable precautions to protect themselves when working with clients. There are steps which any addiction counselor can take to minimize the risk. Any relationship of the nature of counselor/client may be considered one of a fiduciary nature and needs to be handled with great care. The ACA Code of Ethics is quite clear, and failure to live up to it is not in the best interest of the counselor.

The American Counseling Association (ACA) provides a very good booklet called "A Practitioner's Guide to Ethical Decision Making." (22) In the booklet an attempt is made to simplify matters by providing five (5) principles. These principles would serve as a guide. They are; *autonomy* – which deals with the concept of independence, i.e. the responsibility of the counselor to encourage clients to make their own decisions when it is appropriate to do so. The next is *nonmaleficence*, which is the concept of not causing harm to others. This is a fundamental rule or should be for any individual who enters any of the "caring professions." *Beneficence* has to do with the counselor's responsibility to contribute to the welfare of the client. The next concept is a difficult one for many to correctly understand. It has to do with *Justice*. It is described as "treating equals equally and unequals unequally but in proportion to their relevant differences." The counselor needs to understand the necessity of treating individuals differently. There is something uncomfortable about this concept. The last of the five is *Fidelity* and that involves loyalty, faithfulness, and honoring commitments.

Except for *Justice* many counselors find that these concepts serve as a reminder to stay on track. *Justice* has to do with clients who have equal needs regardless of their backgrounds or ethnicity being treated equally. That is receive treatment equal to the need for treatment. Clients that have needs that are unequal in the sense that one needs less help than the other, should be treated unequally.

As a model these guidelines are general and understandable enough to be useful. Most likely if these are kept in mind counselors would not be accused of doing “harm” or of acting “negligently.” In addition keeping within the boundaries of what the addiction counselor has been trained to do is important.

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