

BARTERING

CAVEAT: Always check with your state's licensing board for their official position on bartering. Almost all ethical guidelines do not mandate a blanket avoidance of bartering. However, all ethical guidelines prohibit exploitation of clients. Bartering arrangements also have tax implications. Consult your tax preparer and make informed decisions regarding your legal, civic and professional responsibilities.

WHAT IS BARTERING?

Barter is the acceptance of services, goods or other non-monetary remuneration from clients in return for psychological services. It is not inherently unethical, illegal or counter-clinical.

BARTERING ARRANGEMENTS

Bartering is common with poor clients who seek or need therapy, but do not have the money to pay for it. It is also very common in cultures and communities where bartering is an accepted norm for compensation and exchange. In some circumstances, bartering that could benefit the client might become a part of a clinical intervention that is negotiated with the client and articulated in the treatment plan.

BARTER FOR GOODS OR SERVICES OR BOTH?

Bartering can be of goods (product) or of services. Bartering has often been equated, mistakenly, with dual relationships and boundary violation. While bartering of services is, indeed, dual relationships, bartering of goods is generally not. All bartering is boundary crossing but not necessary (harmful) boundary violation.

CLINICAL AND ETHICAL CONSIDERATIONS

- Make sure that the client involved in the negotiation fully understands and consents, in writing, to the agreement.
- It is a good suggestion to have the client, propose to the counselor, in writing, the proposed terms and conditions of the bartering arrangement. If the counselor accepts, then the counselor and sign “accepted” along with their signature.
- The bartering arrangement must be well documented in the clinical notes. Consult with clinical, ethical or legal experts in complex cases and document the consultations in your clinical notes. Keep excellent written records throughout treatment if or when problems and complications arise with regard to the bartering agreement.
- Make sure that the bartering agreement is consistent with and is not in conflict with the treatment plan.
- Evaluate the effectiveness and appropriateness of the bartering arrangement regularly and change it if necessary through discussion with and, hopefully, consent from your client.
- If complications, negative feelings or disagreement arise due to the bartering agreement, discuss it with your client, get consultations and change it in a way that will be most helpful to the client and conducive to therapy.

*CAVEAT: It is important to realize that bartering can be **counter-clinical** in some situations such as with certain clients who see themselves primarily as victims.*

CAVEAT: Most analytically oriented therapists, consumer protection agencies and risk management experts frown upon bartering, because the traditional analysts view bartering as interfering in transference analysis. Licensing boards, ethics committees and risk management experts often view bartering as potentially exploitative and damaging to the therapeutic work. In planning on entering into a bartering agreement, therapists must take into consideration the welfare of the client, his/her culture, gender, history, condition, wishes, economic status, type of treatment, avoidance of harm and exploitation, conflict of interest and the impairment of clinical judgment. These are the paramount and appropriate concerns.

SAMPLE TEXT FOR A BARTER AGREEMENT

CAVEAT: For use in your own setting, forms must be personalized to reflect your state's relevant laws, ethical requirements for your licensing, and your own actual policies.

Text could include:

- ✓ [Counselor] and [Client] have agreed to continue counseling under a barter agreement.
- ✓ In exchange for a [minute] counseling session, client will give to counselor _____ (describe the product).
- ✓ Client understands that bartering has often been equated, mistakenly, with dual relationships and boundary violation. Bartering is a boundary crossing but not a (harmful) boundary violation.
- ✓ Counselor has explained to client how this bartering agreement is consistent with and is not in conflict with the treatment plan.
- ✓ Counselor has explained that together we will evaluate the effectiveness and appropriateness of the bartering arrangement regularly and change it if necessary through discussion with and, hopefully, consent from your client.
- ✓ As the client, I understand that If complications, negative feelings or disagreement arise due to this bartering agreement, I will discuss it with my counselor. If counselor believes there are complications they will get consultations and change it in a way that will be most helpful to the client and conducive to therapy.

REMEMBER TO:

- ***Include appropriate lines for signature and date***
- ***Keep a copy of any document that was signed by a client in the client's file (hardcopy or electronic)***
- ***Copy to client optional, unless they request a copy***