

Decision Tree and Ethical and Legal Principles for Treatment or Referral of Psychologist as Client.
Oregon Colleague Assistance Committee.

I am in Practice as a Psychologist in Oregon, and a psychologist contacts me for psychotherapy or assessment.

Ethical and Legal Principles

I am *qualified* and choose to treat another psychologist, including a psychologist that may be impaired.

I am *not qualified* to treat this client, or choose not to treat this client, or do not wish to work with an impaired psychologist.

During assessment or treatment, when could I report a psychologist-client to the board or other authorities?

only if psychologist-client reveals a clear and serious intent to commit a crime involving physical injury, a threat to the physical safety of any person, sexual abuse, death, or the torture or death of an animal (ORS 40.252) For public employees ORS 179.505 applies and reports may be made when a client presents a clear and immediate danger to others or society.

Assessment and Treatment
Psychotherapy and Assessment for psychologists as clients is confidential and privileged under Oregon law and APA ethics codes. Information is *not* reported to OBPE or other authorities, even if there is evidence a psychologist may be causing harm or behaving unethically. Exceptions are listed in ORS 40.252 and additionally for public employees in ORS 179.505 (see right hand column)

Are past crimes or past ethical violations reportable?

a treating psychologist would not be allowed to reveal past crimes or ethical violations if the information was obtained during psychotherapist-patient privilege (ORS 40.230)

Referral
Refer client to qualified treatment provider, or to OCAC contact person via www.opa.org and the OCAC section on OPA web site. Keep contact or intake information confidential.

Do APA ethics support the stance taken by Oregon law?

APA ethical standards defer to state law (1.02: Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority).

Oregon Colleague Assistance Committee
OCAC offers psychologists referrals to Oregon psychologists that have been pre-screened by OCAC. OCAC panelists were nominated by their peers as qualified psychologists to treat other psychologists, and then vetted in advance by OCAC regarding their adherence to the rights of Confidentiality and Privilege for psychologists as clients. *Note: The OCAC provider panel is a small subset of psychologists who were both nominated and willing to participate on the OCAC panel. There are many other excellent psychologists that are well qualified to treat psychologists as clients that are not listed on the OCAC provider panel, and psychologists are free to choose the provider of their choice.*

Does the APA ethical code protect confidentiality rights for psychologists as clients, even if a psychologist may be impaired?

Standard 1.05: Reporting Ethical Violations allows for a psychologist to take action by informing a licensing board of an ethical violation that has or is likely to "substantially harm" a person. However, this standard goes on to state that "*this standard does not apply when an intervention would violate confidentiality rights.*"

Question? Does the Oregon Board of Psychologist Examiners know about my treatment if I am referred through OCAC? Answer: No. The referral process through OCAC is completely confidential and no information is kept on file by OCAC and no information is shared with OBPE or anyone else. (If OBPE is already involved, they may be aware of treatment.)

How do I contact OCAC? Please look on the OPA web site www.opa.org. The Oregon Colleague Assistance Committee section will provide information on how to contact OCAC. This section of the web site will be active in mid-December 2009.