



Ohio Board of Psychology

When the Client is Another Psychologist: Correcting Misconceptions about Reporting Violations to the Board

The Board is periodically informed about confusion or misunderstandings regarding rules. One misunderstanding is the belief that if a psychologist, as a client, discloses an apparent serious violation of the Board's law or rules within a professional psychological relationship, the treating psychologist must violate confidentiality and report the violation to the Board. The frequently referenced but periodically misunderstood rule is OAC 4732-17-01:

(K) Aiding illegal practice:

(4) Reporting of violations to board. A license holder who has substantial reason to believe that another license holder or psychological or school psychological supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the license holder shall report it only with the written permission of the client. Under such circumstances the license holder shall advise the client of the name, address, and telephone number of the state board of psychology and of the client's right to file a complaint. The license holder shall make reasonable efforts to guide and/or facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a license holder from the duty to file any report required by applicable statutes.

This rule requires license holders to report apparent misconduct to the Board, and a release is always required if the information is obtained in a professional relationship. Otherwise, reporting to the Board would be a violation of the client's right to hold and assert the privilege. There should be no confusion that this does not change when the client is another psychologist. Notwithstanding mandatory reporting laws (e.g., duty to warn, protecting children from abuse and neglect) psychologists shall not violate the confidentiality of their clients. It is therefore a misconception when psychologists believe that they do not have the exact same right to confidentiality and privacy as any other person. The importance is magnified when services are sought from another psychologist and presenting problems relate to professional practice issues or possible impairment. Drug and alcohol abuse, impaired judgment, and boundary violations should be—and are—safe topics about which psychologists should seek consultation and interventions without worrying about the Board being notified.

It is possible that the misconception is rooted in a misunderstanding about the context in which apparent violations are learned. The first sentence of the rule seems absolute ("shall so inform the board in writing") although it is qualified with the second part of the sentence, "however, when the information regarding such violation is obtained in a professional relationship with a client, the license holder shall report it only with the written permission of the client."

Help-seeking can be difficult enough under optimal conditions, and nothing should ever prevent a psychologist from receiving confidential psychological services or other healthcare services under the same conditions afforded to anyone else. To the degree that there is any chilling effect

in the community of psychologists rooted in misunderstandings, our hope is that this clarification will be reassuring to psychologists as both service providers and as prospective service recipients.

Ohio Board of Psychology
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