

Dealing with Complicated Situations

Many times psychologists find themselves encountering complex situations. Such scenarios involve ethical issues, but can also include conflicts between standards of practice and legislation or legal requirements, and even conflicting pieces of legislation.

What should a psychologist do?

To help with the process, the following points are offered:

When encountering challenging ethical scenarios, psychologists are referred to the ethical decision making process outlined in the Canadian Code of Ethics and to Standard III.38 that states:

“Seek consultation from colleagues and/or where appropriate groups and committees, and give due regard to their advice in arriving at a responsible decision, if faced with difficult situations.”

Providing consultation on specific issues frequently requires expertise in the area of practice under consideration. As such, the most appropriate consultation is likely to be provided by colleagues working in the same or a related area. Registrants are also encouraged to obtain a legal opinion where applicable.

There are situations encountered in which psychologists become legally compelled to act in a way that contravenes the standards of practice. For example, this could be the result of a subpoena requiring the release of the complete psychological record including the raw data. When the release of data is ordered by the Court, psychologists are not expected to refuse compliance. In those cases when ordered by the Court to disclose information inappropriately, the psychologist's responsibility ends once he/she has requested that the Court make adequate provision for the ethical handling of the data.

Pieces of legislation can also conflict. Because of the myriad of nuances that exist across situations, a blanket policy is not always practicable. In such situations, psychologists should obtain a legal opinion. McFarlan Rowlands offers some free legal consultation as part of their insurance program.

One of the ways to deal with complicated ethical issues is through the informed consent process. Psychologists who choose to perform work for a third-party payer must ensure that they establish informed consent at the onset of that work in a way that fully informs the client of possible ramifications set out by the third party agreement or legal requirements. If a psychologist feels that he/she cannot agree to the possible consequences that result from completing such work, he/she must seriously consider in advance whether to pursue such work. Psychologists must be aware that if at a later date they are legally compelled to do something related to this work, the standards of practice do not serve as a defense to break the law. Legislation does not always support our Standards. Psychologists are not expected to refuse legal compliance.

If certain legislation has a bearing on a psychologist's area of practice, this too needs to be captured during the informed consent process. It is therefore imperative that psychologists be familiar with legislation that might influence their practice, e.g. Workers' Compensation Act, etc. The Board's document, entitled "Standards of Practice", includes a listing of relevant legislation and may be accessed via the following URL:

http://www.nsbep.org/downloads/Binder_Standards_Legislation_Guidelines.pdf

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Date: January 2011