

Inappropriate relationship with client following discharge from care (05HDC16909, 22 November 2006)

Clinical psychologist ~ Professional boundaries ~ Personal relationship ~ Coercion ~ Exploitation ~ New Zealand College of Clinical Psychologists' Code of Ethics ~ Rights 2, 4(2)

A man was admitted to a psychiatric unit with an acute episode of mania, requiring intensive treatment for almost two months as an inpatient, and a further two months as an outpatient, before discharge from the service. The man's clinical psychologist developed an attraction to him and, appropriately, discussed this at clinical supervision. There is no evidence that she acted inappropriately during this stage.

Following the man's discharge, and move to another city, the clinical psychologist telephoned him, and then called him regularly. Due to personal and work reasons, the psychologist moved to live and work in the same city. She and the man moved into the same boarding house. It appears that their friendship grew, and an intimate relationship commenced.

It was held that the clinical psychologist acted unethically by pursuing a relationship with a vulnerable ex-client a week after his discharge from her care. All her actions were contrary to the Psychologists Board's Code of Ethics. By failing to maintain professional boundaries with an ex-client and by exploiting the trust that had been established in the clinical context, she failed to comply with professional and ethical standards, and therefore breached Rights 2 and Right 4(2).

The clinical psychologist's employer was not held vicariously liable for her breaches of the Code, as there were appropriate guidelines in place on health providers maintaining professional boundaries with patients, and the clinical psychologist was provided with appropriate clinical supervision during the period she treated the man.

The matter was referred to the Director of Proceedings, who laid a disciplinary charge before the Health Practitioners Disciplinary Tribunal. The Tribunal upheld a charge of professional misconduct.

The psychologist's registration was cancelled. Prior to a re-application for registration, a psychological examination is to be undertaken; evidence is to be given that the psychologist has disclosed to all employers at the time of her employment in any role where she is providing counselling and related professional services of the fact of the proceedings and their outcome; and she is to provide satisfactory evidence to the Psychologists Board at the time of the application that her personal circumstances are stable.

The psychologist was fined \$5,000 and ordered to pay \$5,000 costs. Name suppression was granted because publication of the name would lead to identification of the consumer.

Link to Health Practitioners Disciplinary Tribunal decision:

<http://www.hpdt.org.nz/portals/0/psy0758dfindings.pdf>