

**The importance of maintaining a safe therapeutic relationship**  
**22HDC00518, 23 May 2023**

This case concerns the care provided to a woman by a psychologist, in their capacity as an ACC appointed psychologist. It highlights the importance of ensuring that professional boundaries are maintained when managing communications with consumers. The case also highlights the importance of taking immediate and prompt action to initiate a termination of the therapeutic relationship when providers are unable to maintain professional boundaries or when professional boundaries have been breached.

The woman had a mental health history including diagnoses of post-traumatic stress disorder (PTSD) and other significant mental health conditions. She had self-referred to the psychologist to seek treatment to support her to feel safe and connect more with people. The woman had been experiencing low mood and loneliness as a result of living an isolated lifestyle withdrawn from general society. The psychologist lodged a treatment claim with ACC and was approved to provide psychological support to the woman.

The woman contacted the psychologist regularly in between treatment sessions via text messaging or phone calls when she experienced distressing or dysregulated thoughts. Over time, the psychologist recognised that the woman's communications had become increasingly escalated and dependent. The woman alleged that a sexual relationship had occurred with the psychologist. In contrast, the psychologist denied that a sexual relationship occurred but admitted that there had been a single incident during a treatment session where a sexual act had occurred, the circumstances of which are disputed. The psychologist did not report the incident or terminate the therapeutic relationship immediately. The psychologist continued to provide psychological treatment to the woman for a further five months before terminating the therapeutic relationship. Following the termination of the therapeutic relationship, the woman became dysregulated and required admission to inpatient mental health services.

In hindsight, the psychologist accepted that they should have taken immediate steps to place the woman with another provider once they recognised that they were unable to manage her escalating communications and ensure that professional boundaries were maintained. The psychologist also accepted that they breached professional boundaries by failing to terminate the therapeutic relationship immediately after the incident involving a sexual act.

The Deputy Commissioner considered that the psychologist did not carefully assess the potential harms and benefits of their management of communications with the woman. The Deputy Commissioner was also critical of the psychologist's professional conduct following the alleged incident involving a sexual act — specifically, that the psychologist did not take immediate action to initiate a termination of the therapeutic relationship. The Deputy Commissioner considered it unprofessional and unethical that the psychologist continued to work with the woman and delayed terminating the therapeutic relationship.

The Deputy Commissioner considered that the psychologist did not maintain an appropriate balance of professional boundaries and engagement with the woman and acted contrary to their professional obligations under the Code of Ethics for Psychologists, and ACC practice guidelines. Accordingly, the Deputy Commissioner found the psychologist in breach of Right 4(2) of the Code of Health and Disability Services Consumers' Rights.

The Deputy Commissioner recommended that the psychologist undertake further training on maintaining professional boundaries with clients and provide HDC with detailed written evidence of discussions, case reviews, and reflections on boundary issues with clients covered in supervision. The Deputy Commissioner also recommended that the New Zealand Psychologists Board consider a review of the psychologist's competence and/or conduct based on the Deputy Commissioner's report.