

STANDARDS FOR THE PREVENTION AND MANAGEMENT OF CONFLICT OF INTERESTS

1. Recognition of Conflict of Interest

Sometimes, a conflict of interest situation may not be obvious and even an experienced psychotherapist may not easily recognize it. A situation may potentially lead to a conflict of interest, or be seen by others as presenting a conflict of interest although the psychotherapist may not see it that way. Nevertheless, whether the conflict of interest is perceived, potential or actual, the psychotherapist will be expected to foresee and appropriately address such a situation.

Standard 1

The psychotherapist will proactively be alert to and recognize any actual, potential or perceived conflict of interest.

1.1 Ensure understanding of conflict of interest, its relevance to the profession and will be aware of the various situations, scenarios and environments that may lead to conflict of interest;

1.2 Reflect upon and recognize:

1.2.1 Activities which affect their ability to be impartial and neutral in the client-therapist relationship,

1.2.2 Whether there is any benefit to the psychotherapist, directly or indirectly, that could affect their professional judgement,

1.2.3 Strongly held opinions, biases or beliefs pertaining to race, gender, religion, age, sexual orientation, disability, nationality or other grounds protected by human rights which affect their ability to meet client's needs,

1.2.4 That a conflict may not necessarily be actual but can simply be perceived or potential;

1.3 Consider if others could potentially perceive there to be a conflict of interest which would compromise the psychotherapist's credibility and quality of client care;

1.4 Seek advice from knowledgeable individuals such as program directors, peers or the ethics committee of ACCPI, when in doubt whether an actual, potential or perceived conflict of interest exists;

1.5 Be proactive in foreseeing and preventing situations that may present a conflict of interest before an actual, potential or perceived conflict of interest occurs;

1.6 Where they exist, apply policies and procedures to identify actual, potential or perceived conflicts of interest.

2. Prevention of conflict of interest

While not every conflict of interest can be avoided, most can.

Standard 2

The psychotherapist will make deliberate efforts including communication with clients, to avoid or prevent an actual, potential or perceived conflict of interest from occurring.

2.1 Avoid participating in activities or arrangements which may potentially compromise professional judgement (e.g., accepting monetary awards, benefits or values for the number of referrals);

2.2 Manage professional boundaries in a way that prevents conflict of interest (e.g., avoid treating family members);

2.3 Focus on his/her primary role as a health service provider by not using his/her position/status as a psychotherapist to receive unrelated benefits, or free (or below market value) goods and services (e.g., obtaining the use of a free or low cost office from someone who could benefit from a psychotherapist's recommendations to clients);

2.4 Ensure fairness and equity by avoiding preferential or discriminatory treatment towards particular clients or organizations/institutions (e.g., scheduling preferential visits to an institution that pays a higher rate);

2.5 Apply organizational policies and procedures where they exist pertaining to conflict of interest, or demonstrate a consistent approach, based on ACCPI standards to avoid and manage conflict of interest;

2.6 Maintain a relationship of trust and confidence by not taking advantage of his/her position, including access to privileged information or knowledge they received in dealings with clients or organizations;

2.7 Advise clients of alternative service options, which may include provision of a referral to a third party to give service on the psychotherapist's behalf when in a potential, actual or perceived conflict of interest.

3. Management of conflict of interest

Not all conflicts of interest are the same. Some may be very serious and need to be prevented or avoided at all costs. However, other conflicts of interest may be less serious and could be

judiciously managed. There are instances where a conflict of interest cannot be avoided. In those circumstances, the conflict of interest must be managed. For instance, in a small rural community a psychotherapist may provide services to a client who is also a friend he or she met through the church that they both attend.

Standard 3

The psychotherapist will be proactive in effectively managing and mitigating an unavoidable conflict of interest.

3.1 Take the appropriate steps where possible, to resolve or remove themselves from a situation where a conflict of interest is recognized or perceived;

3.2 Take the following steps where a conflict of interest cannot be resolved:

3.2.1 Disclose to the client a potential, perceived or an actual conflict of interest throughout service delivery,

3.2.2 Upon communicating the conflict of interest, advise the client of their right to decline service at any time,

3.2.3 If a conflict of interest exists and cannot be avoided, document the steps taken to address the conflict.

4. Personal benefit conflicts of interest

Personal benefit conflict of interest may be described as involving the receipt of a benefit that conflicts with a psychotherapist's responsibilities to a client, or that may improperly influence the psychotherapist's ability to act in the best interest of the client. Such a benefit may lead to a psychotherapist or a closely related person or corporation gaining materially, financially, professionally or personally. Professional judgement and practices are expected to be rendered in an objective and transparent manner without consideration of personal, financial or material gain. One of the most common issues for psychotherapists is the presentation of gifts.

Standard 4

The psychotherapist will not exploit the therapeutic relationship with a client for any form of personal gain, benefit or advantage, which may interfere with his/her exercise of sound professional judgement.

4.1 Refrain from exchanging gifts, hospitality or other benefits to avoid creating expectations for the type of care a client will receive, and prevent the perception that the psychotherapist's integrity may be compromised;

4.2 When recommending products or services, refrain from suggesting that clients purchase or obtain services from a provider of health care products or services, when a personal gain or financial interest exists for the psychotherapist. Where that is not possible:

4.2.1 Disclose to the client where there is a personal benefit or gain to be made,

4.2.2 Discuss other options for products and services and allow the client to make a choice when a conflict of interest exists,

4.2.3 Assure the client their service will not be adversely affected by the client's selection of an alternative supplier or product;

4.3 Ensure his/her first obligation is to the client by refraining from entering into agreements that create conflicting duties (e.g., where a fee or other benefit is given or received based on the number of referrals made);

4.4 Maintain written documentation (to demonstrate the process that was followed or the action taken).

5. Dual or multiple relationships

A dual relationship exists when a psychotherapist serves in the capacity of psychotherapist and at least one other relationship (multiple relationships if more than two) with the same client. The second (or more) relationship could be personal, social, financial or professional and may be concurrent or subsequent to the therapeutic relationship. It can also exist when a psychotherapist is in a professional role with a person and promises to enter into another relationship in the future with that person or somebody closely related to that person.

Standard 5

The psychotherapist will avoid dual or multiple relationships (e.g., personal, professional or financial relationships) that could compromise their professional judgement or increase the risk of a boundary violation leading to conflict of interest.

5.1 Identify when dual or multiple roles affect or could be reasonably perceived to affect one's judgement, or ability to be impartial and neutral in the therapeutic relationship (e.g., business partner, friend, relative);

5.2 Ensure that where relationships are concerned, they never:

5.2.1 Enter into or maintain a sexual relationship with a current client, or someone (e.g., child's parent) with whom the client has a significant personal relationship;

5.2.2 Exchange with clients unnecessary personal or financial information that may lead to a conflict of interest;

5.3 Avoid entering into a therapeutic relationship with family, colleagues, or friends unless no other option is available to provide the required service. When this happens the psychotherapist will:

5.3.1 Give full disclosure to the client and any third party payer of the potential boundary and conflict of interest issues involved

6. Self-referral

Self-referral occurs when a psychotherapist working in one professional setting refers clients to him/herself in another professional setting in which the psychotherapist has any interest or gains any benefit. For instance, a psychotherapist working in a hospital refers a client to a clinic in which they have a financial interest, amounting to self-referral.

Standard 6

The psychotherapist will avoid self-referral when there is a potential, perceived or actual financial benefit, unless alternative options are not in the best interest of the client or the client is at risk of not receiving the services. A psychotherapist will avoid self-referral or soliciting clients for his/her private business from clients he/she sees at his/her employment. Where this is unavoidable the psychotherapist will:

6.1 Always disclose self-referral to his/her client and where applicable to the organization supporting or receiving the referral;

6.2 Provide the client with the option of seeking alternative services;

6.3 Document the full disclosure that was made to the client.

7. Research

In this context, research can be defined as the search for knowledge and new understandings or as any systematic investigation using scientific methods. When research is conducted involving human subjects, it is expected that psychotherapists will ensure they obtain approval. These procedures will include a full explanation of all aspects of the research before requesting informed and ongoing consent from the client. Also, the procedures will ensure that clients are not subject to undue pressure to participate.

Standard 7

The psychotherapist will ensure that the client's interest and well being is prioritized when involving them in a research. Where a psychotherapist is engaged in a research project, they will:

7.1 Seek a review and approval to ensure that the research activities to be undertaken are ethically defensible, socially responsible and scientifically valid;

7.2 Disclose the nature of any conflict of interest to participants when acting in dual roles of a researcher and a psychotherapist, particularly when seeking the participant's consent;

7.3 Disclose to the participants any financial incentive from organizations sponsoring the research;

7.4 Request informed and ongoing consent from clients involved in the research project.

7.5. Ensure informed consent from clients before asking them to participate in any research project;

7.6. Ensure the clients are not, or do not feel pressured, unduly influenced or coerced to participate in the research;

7.7. Disclose to the clients if they (clients) will receive any financial or other benefits for participating in the research project;

7.8. Disclose to the clients if the psychotherapist is receiving an additional incentive for recruitment other than regular compensation.

8. Council, committee or administrative membership

Some psychotherapists are members of committees, boards, councils or other similar bodies where they have access to privileged information and/or they influence decision-making. A psychotherapist compromises their role in such a committee if they stand to gain financially or by obtaining a privilege, an appointment or employment from a certain decision.

Standard 8

The psychotherapist will protect the integrity of any committee, board, council or other similar bodies where they are members. The psychotherapist will avoid and/or address (e.g. by full disclosure) any circumstance that may lead to an actual, potential or perceived conflict of interest. A psychotherapist will:

8.1 Refrain from participating in activities or processes of a council, committee, or administrative board of which he or she is a member that could lead to an actual, potential, or perceived conflict of interest (e.g., sitting on a body that is investigating or adjudicating on the conduct of a colleague or competitor);

8.2 Abstain from voting or participating in a meeting where they stand to gain any financial privilege, appointment or employment;

8.3 Disclose any situation that he or she knows would be perceived as constituting an actual, potential, or perceived conflict of interest (e.g., sitting on a hearing committee where the psychotherapist knows a candidate);

8.4 Refer and adhere to conflict of interest policies of the organization.

