

Reporting Violations to the Board: **The 2002 APA Ethical Principles and OAC 4732-17-01**

Licensees periodically need to decide whether to report another psychologist or school psychologist to the Board for possible violations of laws and rules. This issue was discussed in open session at the December 6, 2002 meeting of the Board. The 2002 revision to the APA Ethical Principles of Psychologists and Code of Conduct includes new language that can help to inform licensees making decisions regarding the reporting of a colleague to the State Board of Psychology.

At issue is the relevant regulation from Ohio Administrative Code 4732-17-01:
(J) Violations of Law (4) Reporting of violations to board. *A psychologist or school psychologist who has **substantial reason to believe that there has been a serious violation of the statutes or rules of the board shall so inform the board in writing***; however, when the information regarding such violation is obtained in a professional relationship with a client, the psychologist or school psychologist shall report it only with the written permission of the client. Under such circumstances the psychologist or school psychologist 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 psychologist or school psychologist 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 psychologist or school psychologist from the duty to file any report required by applicable statutes.

Licensees routinely raise questions as to the interpretation of “**substantial reason to believe that there has been a serious violation of the statutes of rules of the board....**” Such language does not always give the concrete direction many of us seek when struggling with a colleague’s behavior and when to report it.

The APA Revision to the Ethical Principles of Psychologists

The American Psychological Association has had ethical principles in place that require the psychologist to attempt to resolve questions of ethical violations by another psychologist by bringing it to the attention of the psychologist when such an informal resolution appears appropriate. The 2002 Revision includes this requirement and adds some new language under 1.05 Reporting Ethical Violations:

1.05 Reporting Ethical Violations

If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard 1.04, Informal Resolution of Ethical Violations, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate

confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard 1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority.)

[Emphasis added on relevant new APA language]

The APA principle specifying "...substantially harmed or is likely to substantially harm a person or organization" offers language that in and of itself helps to clarify the Ohio psychologist's responsibility in this area. The Board reviewed this APA language and authorized the placement of this informational update on the Internet. The Board will consider adopting the new language into OAC 4732 during the next scheduled rule revision in 2004.

The new APA language assists licensees by placing at issue the question of "harm" rather than on whether or not a "serious violation of the statutes or rules" is present. This gives licensees more direction by putting the emphasis on perceived harm to an individual or organization rather than on the question of whether a law or rule has been violated. Licensees are encouraged to use the APA Code language to assist in making informed decisions as to whether a report should be filed with the Board. The complexity of "when" to report will always be present regardless of directives and clarified regulatory language. Even with APA's language comes the word "substantially." "Substantial" can mean different things to different psychologists and different Boards. With the new APA language, Ohio licensees have new direction insofar as the words "substantial harm to a person or organization" are present.

If a licensee judges that an apparent violation of a colleague has "substantially harmed or is likely to substantially harm" a person or organization, then the chances that there has been "a serious violation of statutes or rules" [OAC 4732-17-01 (J) (4)] are good and a report should be made in writing to the Board.

It is hoped that this information is useful in helping licensees make these important and often difficult decisions.

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