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Senator McDonald, Representative Lawlor, and Members of the Judiciary Committee:

As psychologists and Legislative Co-Chairs for the Connecticut Psychological Association (CPA) we are writing to urge exclusion of psychologists from *SB #1448 An Act Extending the State Physician Profile and Related Malpractice Reporting Requirements to Certain Other Healthcare Providers*. Connecticut consumers of healthcare services certainly deserve access to information and the finest protections against malpractice. It would be inappropriate, however, to include psychologists with physicians in this legislation, as the nature of psychological work is significantly different from that of other medical professionals. We wish to highlight some of these differences and the problems that they create with regard to this bill.

First, medical malpractice claims are based on improper treatment of physical ailments, administration of medication, and other external interventions. Psychotherapeutic intervention is based primarily on the relationship between the therapist and client and the targets of such interventions are also relational in nature: People seek assistance from psychologists for help with negotiating boundaries, trusting others, and emotional expression, for example. Malpractice claims against psychologists are, therefore, more ambiguous in nature and may deal with issues that cannot be measured against objective standards. For example, was the termination of a therapy mishandled or could a psychologist have prevented a suicide? These questions are difficult to answer.

We understand that there are clear examples of malpractice on the part of psychologists. We also know that a percentage of settled and adjudicated claims against psychologists are of an ambiguous nature. The problem with disclosing such adjudicated claims and settlements on psychologists' profiles is that these ambiguous issues then seem cut-and-dry. This could be prejudicial against the psychologist. One compromise could be to set a monetary threshold for judgments and settlements, excluding those that fall below the threshold from disclosure.

We would like to call to your attention to another part of the bill that we believe is problematic. This relates to the issue of listing a "specialty" for the psychologist's profile. Although some psychologists do obtain certification or training beyond licensure in areas

of interest, standards for specialties are generally not well defined. Whereas a physician's specialty is clearly documented by residency and training after the medical degree (pediatrics, for example), this is not so for the psychologist. For the psychologist who primarily treats children, for example, there are no defined standards or certification.

A third issue concerns the individuals who are included in this bill. Some individuals who are licensed as psychologists do not engage in psychological work with clients, but rather take on roles such as teaching or administration. Such individuals ought not to be included in this legislation.

Finally, it is noteworthy that other mental health professionals—namely, Licensed Professional Counselors, Social Workers, and Licensed Marriage and Family Therapists—are not included in the listing of professionals affected by this proposed legislation. The work of psychologists is more closely related to these professionals than to that of physicians, chiropractors, dental hygienists, and other professionals who are listed in the bill. We believe all of these professionals should be excluded. However, if psychologists are included, then other mental health professionals should be as well so as to avoid misleading or confusing the public in any way.

Psychologists certainly advocate for the ultimate and primary protection of the consumer of healthcare services. However, there exists a tension between consumer rights and wanting to protect psychologists from potentially misleading disclosure of information, including the disclosure of litigation outcomes. Standards of disclosures that are based on a medical model and intended for medical professionals do not take the unique nature of our work into consideration. We therefore urge you to exclude psychologists from SB 1448.

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