



THE CONNECTICUT PSYCHOLOGICAL ASSOCIATION, INC.

PO Box 915, North Haven, CT 06473-0915

Phone: (860) 404-0333 • Fax (860) 673-0819

E-mail: info@connpsych.org • Web: www.connpsych.org

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Dear members of the Mental Health Services Working Group:

My name is Traci Cipriano, and I am writing as Director of Professional Affairs for the Connecticut Psychological Association (CPA) and as a licensed clinical psychologist with a private practice in Woodbridge. Like everyone else in the state of Connecticut, the Members of CPA were deeply affected by the Newtown tragedy. While we would all like to find the perfect solution for preventing such a senseless tragedy, we must be careful not to act in haste. The focus needs to be on improving and increasing mental health services, rather than on measures which may appear helpful on their face, but would in fact deter patients from seeking treatment.

CPA is asking you to resist supporting a law which would require mental health professionals to report to the local government and/or police any patient who might be a danger to themselves or others.

Currently, psychologists in Connecticut have statutory authority to have a patient transported to a hospital for psychiatric evaluation when the psychologist believes the patient is dangerous to self or others, or "gravely disabled", and thus in need of immediate care and treatment.^{1,2}

This authority is separate from a duty to warn. The Connecticut Supreme Court recognizes a common law duty to warn when there is a specific threat of imminent physical harm to a known victim.³ This means the psychologist must notify local law enforcement of a known

¹ CGS §17a-503(c). Any psychologist licensed under chapter 383 who has reasonable cause to believe that a person has psychiatric disabilities and is dangerous to himself or herself or others or gravely disabled, and in need of immediate care and treatment, may issue an emergency certificate in writing that authorizes and directs that such person be taken to a general hospital for purposes of a medical examination. The person shall be examined within twenty-four hours and shall not be held for more than seventy-two hours unless committed under section 17a-502.

² Connecticut confidentiality statutes provide that a psychologist *may* breach confidentiality "[i]f the psychologist believes in good faith that there is risk of imminent personal injury to the person or to other individuals or risk of imminent injury to the property of other individuals." CGS § 52-146c(3).

³ *Fraser v. United States*, 236 Conn. 625, 674 A.2d. 811 (1996); *Jacoby v. Brinkerhoff*, 250 Conn. 86, 735 A.2d 347 (1999).

physical threat so that the identified potential victim may be notified. This requirement is very specific, and is applied under narrow circumstances.

There may be some confusion regarding a psychologist's duty to warn, as compared to criteria which would allow a psychologist to have a patient involuntarily transported to a hospital for a psychiatric evaluation, and potential involuntary inpatient commitment. While criteria for involuntary transport to a hospital and involuntary commitment do not require an imminent threat to an identified victim, the common law duty to warn does require such specific information. This is in order to protect the privacy of mental health patients and limit breaches of confidentiality.

As you are well aware, the New York legislature recently passed a law which requires mental health professionals to breach confidentiality and notify governmental authorities, who may in turn notify the police and revoke a patient's gun license, when the mental health professional believes the patient to be a danger to self or others. CPA believes this broad requirement stigmatizes and criminalizes mental illness. It will also likely have the unintended consequence of deterring patients from seeking treatment. How can a patient openly discuss their feelings, urges, and impulses, when there is a threat of governmental and police notification? Those patients who most need treatment will be the least likely to seek it.

A statutory requirement that psychologists must notify governmental agencies of a patient who is believed to be a danger to self or others is especially problematic for those cases falling in the "grey area", those cases involving a patient who raises concern, but there is uncertainty as to the actual threat posed. While a psychologist might feel comfortable sending such a patient to the hospital for further evaluation in order to ensure the safety of the patient, this same psychologist might be more reluctant to do so if they must also notify the local government and/or police. It will put mental health professionals in an ethical and legal bind, which might also lead to decreased service options if psychologists in private practice become reluctant to take on cases perceived to be more risky.

Instead of acting on fear, and making it more difficult for patients to access the treatment they need, a better approach would be to establish services which would allow any family to seek and receive advice when concerned about the mental health of a child or young adult family member, and possibly receive financial assistance for a psychological evaluation. Preferably, even if families are insured, they will be eligible for assistance if their insurance does not cover such an evaluation. In difficult financial times, it is often hard to justify prevention dollars, but increased access to mental health services will both increase quality of life and day to day functioning of Connecticut's residents, and ensure those most at risk will be able to access the treatment they need.

Thank you for your consideration.

Traci Cipriano, PhD

Traci Cipriano, JD, PhD

Director of Professional Affairs

Barbara A Bunk, PhD

Barbara Bunk, PhD

President