



LIMITS OF CONFIDENTIALITY

As described in the APA Ethical Principles and Code of Conduct, Principle B¹:

Psychologists establish relationships of trust with those with whom they work. They are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those with whom they work. They are concerned about the ethical compliance of their colleagues' scientific and professional conduct. Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.

In keeping with this principle, and specifically with the assertion that “[psychologists] are concerned about the ethical compliance of their colleagues' scientific and professional conduct”, the Tennessee Colleague Assistance Foundation (TCAF) has certain limits of confidentiality for professionals who have contracted with our organization.

For professionals who have contracted with the TCAF to provide monitoring services, reporting of unethical behavior to the appropriate state and/or national professional association, or the Board of Examiners in Psychology (See “TCAF Policies & Procedures”) may occur if the professional under contract is: 1) in violation of any of the terms or conditions outlined in his or her TCAF contract, and 2) deemed to be a “Direct Threat”² to public safety. The determination whether a contracted professional meets both of these criteria will be made by a unanimous vote of the contracted professional's TCAF committee (as outlined in the TCAF Policies & Procedures).

¹ American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597-1611.

² “Direct Threat” shall mean and refer to a significant risk of substantial harm to the health and safety of others. The determination that an individual poses a Direct Threat shall be based on an assessment of the individual's present ability to safely perform the essential functions of his or her job. This assessment shall be based on the reasonable judgment of the contracted professionals TCAF committee that relies on the most current knowledge and/or the best available objective evidence. In determining whether an individual would pose a Direct Threat, the factors to be considered include: a) the duration of the risk; b) the nature and severity of the potential harm; c) the likelihood that the potential harm will occur; and d) the imminence of the potential harm.

The appropriate reporting of unethical behavior is addressed by the APA Ethical Principles and Code of Conduct, Ethical Standard 2.06 (Personal Problems and Conflicts)¹:

(a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner.

(b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard 10.10, Terminating Therapy.)

and the APA Ethical Principles and Code of Conduct, Ethical Standard 1.05 (Reporting Ethical Violations)¹:

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.)

Authority for reporting of unethical behavior is also provided by the TCAF Board of Directors, as well as the Tennessee Board of Examiners in Psychology, which is dedicated to the mission of safeguarding the health, safety, and welfare of Tennesseans.

¹ American Psychological Association. (1992). Ethical principles of psychologists and code of conduct. *American Psychologist*, 47, 1597-1611.