

Practice Tips

Licensing Board Complaints: Protecting Psychologists and the Public

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Many psychologists are afraid of the Board of Psychology (BOP). Most have heard stories of misunderstood and mistreated psychologists. Although no process is perfect, I believe that the BOP disciplinary process works fairly well. Before any consumer complaint becomes a formal charge against you, board staff, two different psychologists, and the Attorney General's office will review your case. The psychologists are participants in an expert panel enlisted by the BOP. For the record, I am a member of that panel.

Any consumer can file a complaint against a psychologist. However, a consumer complaint does not mean the same thing to the Board of Psychology as it does to us. When malpractice carriers or employers ask if we have ever had a complaint filed against us, they usually mean a complaint filed by a licensing board, not a complaint filed by a consumer. Check with your malpractice carrier for clarification if necessary. The BOP calls a formal licensing board complaint an Accusation. Only 2% of consumer complaints result in accusations being filed. There are about 16,000 psychologists in California. In the last four years, less than twenty-five psychologists per year have had accusations filed against them. I was never that good at statistics, but this seems like good odds. According to my calculator, that is about .15%, less than 2 per thousand. (*Source: Board Of Psychology Overview of Enforcement Activity 1997-2003*).

Most of the time, you won't even know if a consumer has made a complaint. Nearly three quarters of the consumer complaints go no further than the initial review. Before a consumer complaint leaves the board office, a psychologist will have reviewed it and offered an opinion about the standard of care in the allegation. Then the case is then turned over to a trained law enforcement officer for an investigation. After the investigation is complete, the materials are reviewed by a different psychologist who writes an

opinion that goes to the Attorney General's Office. That office will then decide if an accusation should be filed.

Most formal accusations filed against psychologists involve very serious allegations. At least two psychologists have to agree that the complaint represents a significant departure from the standard of care. No one takes the process lightly, and you shouldn't either. If you should be the subject of Board investigation, it is a good idea to get in touch with your malpractice carrier and consider consulting an attorney. But the chances of a complaint being made are small, and the likelihood of it going beyond the initial review to an accusation are even smaller. There are 89 standards in the new ethics code, but only five principles; Do good and Do no harm, be honest, fair and responsible. If you try to adhere to these aspirational principles, the BOP will probably just be the people who issue your license.

Note: The information contained in this article is not legal advice, it is educational in nature, and represents only the opinion of the author based on a review of the literature and relevant laws. This information does not reflect the official position of the American Psychological Association, the California Psychological Association or the Alameda County Psychological Association.

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Resources

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Let's conduct a brief behavioral exercise. Close your eyes, and visualize receiving a phone call from an attorney's office, informing you that you will be receiving a subpoena for patient records. A minor has accused one of your former patients of sexual abuse. Visualize reviewing the contents of the patient's file, and thinking to yourself that you didn't do the best job you might have in your charting, that

perhaps you should have been more comprehensive. You also notice that you administered the MMPI 2. The patient record contains the answer sheet plus the computer generated report. A copy of a report made to child protective services is also in the file. Next, visualize a call from the patient in question. He makes vague threats about what will happen to you if you release the records. What do you do? How