



Nova Scotia Board of Examiners in Psychology

Suite 455, 5991 Spring Garden Road
Halifax, Nova Scotia
B3H 1Y6
www.nsbep.org

Telephone: (902) 423-2238
Fax: (902) 423-0058

INFORMED CONSENT WITH THIRD-PARTY WORK AND SUPERVISION

Informed consent is always a necessary process for a psychologist. Various factors (e.g. legislation, requirements) can influence a psychologist's work and therefore need to be captured in the process of obtaining informed consent. The following information is intended to assist Registrants.

Third-party work

Any Registrant performing work for a third-party payer must ensure that he/she establishes informed consent at the onset of that work. This will include advising the client of possible ramifications set out by the third party agreement or other legislative requirements.

Supervision

Any Registrant undergoing supervision should be informing clients that he/she is undergoing supervision and consequently as a part of that process the NSBEP Supervisor may have access to their records.

Standards

The need for informed consent in the above mentioned scenarios is established by principles of the Canadian Code of Ethics for Psychologists (Third Edition), the NSBEP Standards for Providers of Psychological Services, and the NSBEP Standards of Professional Conduct.

From the NSBEP Standards for Providers of Psychological Services:

"III. CLIENT RELATIONSHIPS

III.1 PSYCHOLOGISTS STRIVE TO MAKE THEIR CLIENT RELATIONSHIPS CLEAR AND UNAMBIGUOUS.

Psychologists discuss with their clients the nature of their relationship, and clarify any factors that bear upon that relationship. They clarify limits to confidentiality of psychological records and, if this is a third-party payer for the services, they inform the client of the nature and extent of details that may be released to the third party (e.g. insurance companies, lawyers, courts).

Psychologists avoid dual relationships with clients and/or relationships that might impair their professional judgement or increase the risk of client exploitation. Examples of dual relationships include treating employees, supervisors, or close friends or relatives. Sexual relations with clients are prohibited.

Psychologists faced with making difficult ethical decisions seek professional consultation and support."

V.3 ALL LEVELS OF PROVIDERS ESTABLISHES UNEQUIVOCAL PROCEDURES FOR RELEASING RECORDS ONLY WITH THE FULLY INFORMED CONSENT OF CLIENTS.

Psychologists inform users of any limits to confidentiality of information concerning them, such as access to records or service information required by third-party users or courts.

Psychologists safeguard the confidentiality of information released to third parties, by providing suitable advice to recipients about the confidential nature of the information.

Psychologists are cognizant of legally established limits on confidentiality that apply in the jurisdiction in which they deliver psychological services. These limits are addressed, whenever appropriate, within the informed consent procedure that is an integral component of a psychological service."

From the NSBEP Standards of Professional Conduct:

"Principle 5

A Registrant shall respect the client's right to know the nature of the services provided.

5.1 A Registrant shall obtain informed consent with respect to the delivery of all psychological services unless otherwise permitted or required by law. This includes, but is not limited to, agreeing on the general nature and extent of the services to be rendered.

5.2 At the onset of the provision of psychological services, or at the earliest reasonable opportunity, a Registrant shall be responsible for informing clients of the limits of confidentiality maintained by the Registrant and anyone he/she may employ and/or supervise.

5.3 A Registrant fulfills the terms of the agreement with the client. Services departing from this agreement shall normally have the informed consent of the client prior to their initiation."

The Canadian Code of Ethics Principle I: Respect for the Dignity of Persons states:

“I.23 Provide, in obtaining informed consent, as much information as reasonable or prudent persons would want to know before making a decision or consenting to the activity. The psychologist would relay this information in language that the persons understand (including providing translation into another language, if necessary) and would take whatever reasonable steps are needed to ensure that the information was, in fact, understood.

I.24 Ensure, in the process of obtaining informed consent, that at least the following points are understood: purpose and nature of the activity; mutual responsibilities; confidentiality protections and limitations; likely benefits and risks; alternatives; the likely consequences of non-action; the option to refuse or withdraw at any time, without prejudice; over what period of time the consent applies; and, how to rescind consent if desired. (Also see Standards III.23-30.)

I.26 Clarify the nature of multiple relationships to all concerned parties before obtaining consent, if providing services to or conducting research at the request or for the use of third parties. This would include, but not be limited to: the purpose of the service or research; the reasonably anticipated use that will be made of information collected; and, the limits on confidentiality. Third parties may include schools, courts, government agencies, insurance companies, police, and special funding bodies.”

Legislation

It is important for Registrants to be familiar with legislation that might influence their practice of obtaining informed consent, e.g. Workers’ Compensation Act. The Board’s document, entitled “Standards of Practice”, includes a listing of relevant legislation and may be accessed via the following URL:

http://www.nsbep.org/downloads/Binder_Standards_Legislation_Guidelines.pdf