

CODE OF ETHICS

Guidelines for Ethical Conduct and Standards for Professional Practice

The National Association for the Advancement of Psychoanalysis (the Association) has established a Standing Committee on Ethics and Professional Practices mandated (1) to resolve complaints of ethical violations alleged against members of the Association, and (2) to consult with members concerning ethical principles. At least one member of the Committee (voting or ex officio) shall be a Trustee of the Association.

Preamble

The ultimate criterion of ethical behavior resides within the conscience of individual members, yet this Association has an obligation, for its own sake, to define a minimum set of standards and behaviors to which it requires its members to adhere. These standards are elucidated below and are based upon the premise that the welfare of the patient, the protection of the analyst, and the safety of the community must be the primary determinants of the analyst's behavior. All members of the Association, then, are expected to be in compliance with the following Code and to ultimately accept the judgment of their peers when their compliance is disputed.

This Ethics Code applies only to members' work-related activities, that is, activities that are part of the member's professional functions that are psychoanalytic in nature. It includes the clinical practice of psychoanalysis, research, teaching, supervision of trainees, organizational, group, and family treatment. These work-related activities are distinguished from the purely private conduct of a member, which is not within the purview of this Code.

Whether or not a member has violated this Ethics Code does not by itself determine whether he or she is legally liable in a court action, whether a contract is enforceable, or whether other legal consequences occur. These results are based on legal rather than on ethical rules.

THIS CODE COVERS ONLY NAAP-REGISTERED CERTIFIED PSYCHOANALYSTS AND PSYCHOANALYTIC PSYCHOTHERAPISTS.

The Code of Ethics

1. The Member-Analysand/Supervisee/Student Relationship

1.1 Members bear the responsibility for determining and clarifying the working agreement between themselves and their analysands. They will, therefore, inform the analysand of the length and frequency of sessions, the cost and method of payment, the nature and anticipated course of treatment, the conditions for cancellation of sessions, and where and when meetings shall take place as early in treatment as practical. Other contractual arrangements are discussed when they arise in treatment.

1.1.0.1 Analysands are entitled to know and, as early as appropriate, should be informed of the legal limits of confidentiality and under what conditions information revealed in the analysis

may be divulged and to whom. When appropriate, analysands shall be informed that there are other forms of treatment.

1.1.1 Members have a primary obligation to respect the confidentiality of information revealed in the course of treatment by an analysand, except where otherwise required by law.

1.1.2 Members shall make provisions for maintaining confidentiality in the storage and disposal of records. An analyst may release information obtained in an analysis only with the written authorization of the analysand or parent or guardian, or under proper legal compulsion.

1.2 Members must neither misrepresent their own academic and/or professional training and/or experience, their professional affiliations, nor the limitations of psychoanalysis either to analysands or to the public.

1.3 Members shall not diagnose, prescribe for, treat, or advise on problems outside the boundaries of their own competence.

1.3.1 Except when consulting with colleagues, members must obtain consent from an analysand before presenting personal information obtained during the course of their professional activities and must disguise all identifying information. (See Sec. 2.4)

1.4 Members shall avoid dual relationships including the treatment of close friends and relatives of the analyst.

1.4.1 In compliance with state and federal laws describing research with human subjects, members must receive written consent from the analysand to serve in a dual role as both patient and subject of research.

1.4.2.1 Members shall avoid all forms of physical contact of a sexual nature including overt or covert seduction even if an analysand invites or consents to such involvement.

1.4.2.1.1 Members do not engage in sexual intimacies with former patients for at least two years after cessation or termination of professional services.

1.4.2.1.1.1 Members who engage in such activity after the two years following cessation or termination of treatment bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated, (2) the nature and duration of the treatment, (3) the circumstances of termination, (4) the patient's personal history, (5) the patient's current mental status, (6) the likelihood of adverse impact on the patient and others, and (7) any statements or actions made by the therapist during the course of treatment suggesting or inviting the possibility of a post-termination sexual romantic relationship with the patient.

1.4.2.2. Members shall not use their professional relationship to give or receive personal gain or services (outside the fee-for-service stipulated in 1.1.) to further [their business, political, or religious interests] ANY PERSONAL INTERESTS WHATSOEVER.

1.4.2.2.1 Members ordinarily refrain from accepting goods, services, or other non-monetary remuneration from patients in return for professional services because such arrangements create inherent potential for conflicts, exploitation, and distortion of the professional relationship. A member may participate in bartering *only* if (1) it is demonstrably

not clinically contraindicated and (2) the relationship is demonstrably not exploitative.

1.5 Members shall not take any action that violates or diminishes the legal and civil rights of analysands, supervisees, students, or colleagues.

1.6 All members are obliged to cooperate with the Rules and Procedures of the association in the investigation of a complaint.

1.7 When expressing professional opinions, members shall not purport to speak on behalf of the Association or to represent its official position except as authorized by the Board.

1.8 Members shall terminate an analytic relationship when it is reasonably clear that the analysand is not benefiting from it.

1.8.1 Where appropriate, members shall offer to help the analysand locate alternative sources of assistance.

Relations with Colleagues

2.1 By agreeing to consult with a patient who is currently in treatment with a colleague, a member disqualifies him/herself from becoming that patient's analyst in the future unless both the patient and the patient's analyst favor the transition.

2.2 Members do not accept payment from other professionals for referrals.

2.3 Members shall assign credit to those who have contributed to or directly influenced their writing or research.

2.4 When consulting with colleagues, (1) members do not share confidential information that reasonably could lead to the identification of a patient with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization, or the disclosure cannot be avoided, and (2) they share information only to the extent necessary to achieve the purposes of the consultation.

3. Implementation

3.1 Only individuals who are or were in treatment, supervision, or other professional relationships with a member and who allege direct injury to themselves (as opposed, for example, to injury to family members) by a member of the Association have standing before the Committee on Ethics. In the case where the patient is a minor or legally incapacitated or deceased a family member can bring a complaint before the Committee on Ethics.

3.1.1. Only written, signed, complaints stating the facts and ethical principles violated have standing before the Committee. The Committee, however, will consider other evidence at its discretion. Any complaint shall be brought before the Committee no later than 5 years after termination of analysis with the analyst.

3.2 Upon receipt of such a complaint by the Committee, the Complainant will be asked, by registered mail, to sign a release authorizing the Committee to forward the complaint to the Complainee.

3.2.0.1 If the Committee fails to receive a signed release from the Complainant within 30 days of the Complainant's having received the Committee's request for it, charges brought against the member will be dropped and any records relating to the complaint will be destroyed.

3.2.0.2 If the Committee receives a signed release from the Complainant within 30 days of the Complainant's having received the Committee's request for it, the Committee will immediately forward (1) a copy of the complaint along with reference to ethical principles adopted by the Association which, on the face of the complaint, appear to have been violated by the Complainee, and (2) complaint procedures.

3.2.1 The Committee will then schedule a separate meeting with the Complainee, at which time the Complainee will have the opportunity to respond to the complaint. A JOINT HEARING MAY BE SET UP WITH THE COMPLAINEE, COMPLAINANT, AND THE ETHICS COMMITTEE.

3.3 The Complainant and Complainee are free at any time to communicate in writing or to request an additional meeting with the Committee.

3.4 The Committee, by majority vote, will make a particular finding appropriate to the individual case. The following are the possible categories of findings:

1. Dismissal of charges.
2. Dismissal of charges of unethical behavior with some findings of legitimate grievance.
3. Finding of unprofessional behavior that is not an ethical violation.
4. Finding of unethical behavior.

3.5 The Complainee and the Board of Trustees shall be notified in writing as to the Committee's findings and any proposed remedy.

3.6 If the Ethics Committee does not dismiss all charges against the Complainee, the Board of Trustees shall determine sanctions against the member after considering the facts and the recommendations of the Ethics Committee.

3.6.1 These sanctions may include but are not limited to:

1. Reprimand of the member.
2. Temporary suspension of the member's registration pending resolution of problems that led to the complaint. The Board may, for example, require the member to undertake additional supervision or analysis.*
3. Termination of a member's registration.
4. Publication of findings and sanctions imposed.
5. Notification of state regulatory boards.
6. Notification of employers.
7. Letters of censure.

3.7 Either the Complainant or Complainee may appeal the Ethics Committee's findings or the Board's disposition based upon those findings to the Board directly. The Board will then inform the Ethics Committee of its findings.

3.7.1 A notice of appeal shall be in writing and directed to the Board of Trustees and must

be received within 30 days after the decision appealed from has been received by the Complainant/Complainee.

3.8 If a complaint is dismissed, all records referring to it shall be destroyed within 30 days.

3.9 Under no circumstances shall the Committee on Ethics, its members, the Board, the administrative staff, or anyone affiliated with the Association make Ethics charges, considerations, or determinations known to any agency or individuals outside NAAP, including State licensing boards and insurance agencies, except under proper legal compulsion and/or signed informed consent of the parties in question.

*The analyst and/or supervisor must be NAAP-Registered certified psychoanalysts, and must communicate to the Board information regarding the progress and cooperation of the complainant.