



The Ethics Guidelines are produced by the Office of the Syndic in collaboration with the Professional Inspection Committee. These guidelines do not constitute legal opinions; each case is particular and must be analyzed in the light of the circumstances peculiar to it.

WRITING A PSYCHOLOGICAL REPORT IS A PROFESSIONAL ACT. IN THE CONTEXT OF PSYCHOTHERAPY, THE REPORT SUMMARIZES THE PROCESS CONDUCTED. IN THE CASE OF AN EXPERT ASSESSMENT, THE REPORT EXPLAINS THE RESULTS OF THE ASSESSMENT AND THE REASONS BEHIND THE OPINION EXPRESSED.

TYPES OF REPORTS AND THOSE DISCUSSED HERE

THE PSYCHOLOGICAL REPORT

- ▶ Introduction
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INTRODUCTION

Writing a psychological report is a professional act. In the context of psychotherapy, the report summarizes the process conducted. In the case of an expert assessment, the report explains the results of the assessment and the reasons behind the opinion expressed.

The psychologist must provide a report to any client who requests it, whether during the treatment or after its completion. Certain fields of expertise, such as child custody, neuropsychology, school psychology and industrial and organizational psychology, generally require the writing of a report. The evaluation report produced in these instances includes a description of the process undertaken, the psychologist's observations, an interpretation of the information obtained and the psychologist's recommendations with relation to the mandate given. Increasingly, different agencies with which clients deal, both private (for example, insurance companies) and public (for example, the CSST, IVAC, SAAQ, RRQ), also ask psychologists who provide psychotherapy to inform them on their work done with the clients by means of one-time or regular reports.

Generally, a distinction can be made between psycho-legal assessment reports, psychological evaluation reports and progress reports describing the course of a psychotherapeutic process. The first type of report may be linked to an appearance by the psychologist before a court of law to testify as an expert witness. The second type, the psychological evaluation report, is frequently requested by agencies such as those mentioned above. The third type, the progress report, is a summary of the notes from psychotherapy sessions. It may also be related to a court appearance by the psychologist, either at the client's request or upon receipt of a subpoena, in order to testify as a material witness. In the report the psychologist will be asked to submit, he or she will not be allowed to express an opinion, comment on any external elements or make inferences based on what he has heard. His role will be limited to describing the client's progress in the light of his clinical observations, recounting the treatment provided and making recommendations on follow-up.

Let us now consider the ethical aspects of the psychological report and examine¹ the report's characteristics, taking into account the literature on this subject and the Disciplinary Committee's jurisprudence.

In the course of his work with a client, a psychologist may prepare different types of reports. He may write a progress note, a summary of several progress notes or a treatment summary based on the information contained in the record. This information is added to the notes already found in the record. In this article, we will focus on evaluation or expert reports produced at the client's explicit request, regardless of the psychologist's field of practice, for the purpose of transmission to a third party or a court of law.

REGULATORY ASPECTS

The right of the client to examine information concerning him or her is established in the *Code of Ethics of Psychologists* (sec. 50), the *Professional Code* (sec. 60.5), the *Civil Code of Quebec* (sec. 37 to 41), the *Act respecting the protection of personal information in the private sector* (sec. 29), and the *Act respecting access to documents held by public bodies and the protection of personal information* (sec. 83). This information may be synthesized and assessed by the psychologist in the form of a report. The psychologist cannot refuse to respond to a request for the production of a report, except in very specific situations, such as those entailing potential harm to the client (sec. 50.3 of the *Code of Ethics* and sec. 60.5 (2) of the *Professional Code*). In this case, the psychologist may see fit to refuse access to the record, which also implies refusing to produce a report. However, it must be understood that this situation is exceptional and of limited duration. The client can repeat at a later time his request for access to his record or production of a report.

Section 46 of the *Code of Ethics* states that the client's written authorization must be obtained prior to any disclosure of information contained in his record. For the sake of caution, the professional should inform the client of the potential effects of the report's transmission. Sections 17 and 18 of the *Code of Ethics* are important in this regard. The 15-day period stipulated by section 10 of the *Regulation respecting the keeping of records and consulting-rooms by psychologists* gives the client the possibility of revoking his authorization. In an emergency, the client can choose to renounce this delay. We note that, under section 12 of this Regulation, the delay does not apply to psychologists practicing in an institution within the meaning of the *Act respecting health services and social services*.

The obligation to show diligence (sec. 24 of the *Code of Ethics*) relates to the time taken by the psychologist to produce the requested report. The two Quebec laws on access to personal information in the private sector (sec. 32) and the public sector (sec. 47) mention a maximum period of 30 days to respond to an access request. This period can serve as our guide in clarifying the notion of "diligence." If the psychologist is unable to comply with this time period, he should agree with the client on a date by which the report will be completed.

Although the law recognizes the validity of documents sent by electronic means, questions remain about the reliability of this procedure, in particular, with regard to the accuracy of the content, observance of confidentiality during transmission, and identification of the author. The Syndic's Office continues to recommend that psychologists provide, preferably in person or by messenger, a paper copy, duly signed and dated, to the client or the recipient of the report. If the recipient asks nevertheless to receive a copy by electronic mail, the client who authorizes the transmission should be informed about the risks associated with this method.

The Syndic's Office has issued advice on the professional obligation to provide a report despite the client's non-payment of fees. If failing to provide the report will be detrimental to the client, the psychologist cannot be released from this obligation. However, it is best to prevent such an occurrence by taking the necessary precautions to ensure that work done will be compensated. Various formulas have been suggested for this purpose with regard to an expert assessment.² The same procedure can be followed for other evaluations involving the production of a report for a client.

The report produced by a psychologist should reflect the scientific character of the profession; therefore, sections 1, 11, 14 and 74 of the *Code of Ethics* apply. The writer of the report must comply with generally recognized scientific principles, present professional and scientific information in support of his opinion, show integrity, objectivity and moderation in his comments and show caution in his interpretation of the material at his disposal.

The content of the report can be presented in different ways. What is most important is to adhere to the ethical standards throughout the document, so that the reader will obtain a clear understanding of the problem. Some authors on this subject assert that "the different components of the [report] plan are interchangeable

THE OBLIGATION TO PRODUCE A REPORT

AUTHORIZATION

PROFESSIONAL REQUIREMENTS

FEES

REPORT CHARACTERISTICS AND CONTENT

and certain sections can be omitted, depending on the needs of the evaluation [translation]" (Goupil and Marchand, 2001, p.7). Brunet (1999, p.159) notes that a report must make a clear distinction between information derived from the clinical interview, information derived from test results, if any, analysis and the clinical opinion.

These authors and the Professional Inspection Committee of the Ordre des psychologues suggest a list of elements that should be present in a report. These elements are as follows: 1) identification of the client, 2) reasons for consulting the psychologist and the nature of the services requested, 3) details about the documentation used, 4) methodology used, 5) dated description of the activities conducted during the evaluation, 6) concise, pertinent and complete presentation of the clinical observations, including background or history, 7) results obtained and their interpretation, 8) findings and recommendations, and 9) identification of the sources of bibliographical references.

For the expert report, the jurisprudence clearly states that it must be self-sufficient and contain the information supporting the psychologist's findings and recommendations.

The psychologist must be aware of existing requirements regarding the report's form, depending on the nature of the professional services rendered. He must take care to ensure the document's quality in terms of the form and the language used.

CASE STUDIES

A client consults a psychologist privately for two months because of relationship problems at her workplace. She is on sick leave and claims that she was a victim of harassment by her immediate superior. You have had nine meetings with her. Her lawyer contacts you in writing, asking you to provide an evaluation report because he plans to file a claim for compensation with IVAC. He wants your report to focus on the employer's actions as described by the client.

The lawyer seems to expect the psychologist to write an expert report, which the psychologist cannot do because this would put her in a conflict of roles as she is already this client's therapist. The psychologist should obtain the client's written authorization to communicate with the lawyer, then inform him that the only report she can produce is a progress report. The allegations reported by the client have not been verified by the psychologist. Therefore, the report can only summarize the therapy provided. The psychologist should describe, as a material witness would do, the psychotherapy process conducted with the client, including the reasons for consultation, the treatment plan, the number of times the client has been met, the issues raised, the treatment provided by the psychologist, the client's progress in terms of the objectives, and comments on the expected follow-up. The psychologist must respond appropriately to the lawyer's request; however, when needed, as in the present case, she should not hesitate to state the limits, imposed by ethical requirements, to her ability to satisfy his expectations. The psychologist cannot make a judgment on the facts alleged by her client. She must show integrity, objectivity and caution (sec. 14 and 74 of the *Code of Ethics*) in her formulations, making it clear when she is reporting allegations rather than verified facts. Section 77 of the *Code of Ethics* ("A psychologist shall avoid all possibility of false interpretation or erroneous use of the information he gives others") is relevant here. The psychologist must also avoid making inferences regarding facts which, as a psychotherapist, she is not mandated to verify, or regarding other persons (sec. 1 and 11 of the *Code of Ethics*).

You have been seeing a client who suffers from major depression on a weekly basis for four months. You receive a request from an insurance company asking for the client's complete record (including your diagnosis and all your notes). You are also asked to state the date when you expect the client to return to work. Included with this request is a consent form that is very broad, which has been addressed to physicians and other professionals whom your client may have consulted.

The psychologist should check with the client by telephone the scope of the consent he gave for the transmission of his record and note this conversation in the record. She should also inform the client about the content she intends to send, to ensure that his consent is really free and informed. Unless this is an emergency, in which the client has renounced the 15-day delay before the report is sent, she should send it only after this time period (sec. 10 of the *Regulation respecting the keeping of records and consulting-rooms by psychologists*). Neither the insurance company nor any other third party is allowed to exert on the psychologist any influence which could adversely affect the performance of her professional duties (sec. 31 of the *Code of Ethics*). Consequently, the psychologist should inform the insurance company that her role does not permit her to make a diagnosis of the client's condition (unless an initial evaluation was made in order to prepare the treatment plan; in this case, the psychologist can be more explicit about the clinical impressions giving rise to the treatment plan). The service provided by the psychologist is that of psychotherapy and the report produced must be connected to the psychologist's role. Moreover, it is not the psychologist's responsibility to provide a date of return to work, as requested. This is a medical opinion. The psychologist should not hesitate to set limits when requests are made to which she cannot respond.

REFERENCES

1. This information relates to the content of a training session provided by the Ordre des psychologues, entitled *Élaboration et rédaction de rapports psychologiques*, which was prepared and delivered by Me Anne-Marie Veilleux and Madame Chantal Mireault, psychologist, in Montreal, on September 19, 2003.
2. See the guideline on psycho-legal assessments, November 2002.

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The practice of a profession is defined by two co-existing realities: one the one hand, a recognition of the professional's right to decide on the most appropriate course of action, with every decision having an underlying ethical dimension, and on the other, the existence of a regulatory mechanism aimed at ensuring the protection of the public. The ethics guidelines are intended to inform psychologists about the existing regulatory framework to help them in the process of making informed decisions.



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