

Conflict of Interest Liability for Therapists, Psychologists, and Nurses

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“Conflict of interest” can mean many things when you are a therapist, counselor or psychologist. The obvious examples of conflict of interest in this field are having an inappropriate relationship with a patient or sharing information to another professional when you don’t have the consent to. While professionalism should always be first and foremost, whether you work in a hospital or in private practice – there are instances when “conflict of interest” isn’t so clear.

When it comes to a psychological setting, therapists and those who support the therapists, including nurses and other staff members, can engage unknowingly in situations that are clear conflicts of interest. Those involved in the field need to be careful, as there are certain situations that could arise which may not be in the best interest of the patient or the therapist.

A therapist, for instance, would bring conflict of interest if trying to counsel his or her own family members, because of the presumed inability to be impartial and objective when dealing with family. While not illegal, counseling one’s own family members is not advised.

Other ‘Conflicts of Interest’ that could arise include

- Counseling someone you are friends with, or have a business relationship with, outside of therapy
- Counseling someone with whom you share a social network, such as community involvement or similar places of residency
- Providing both therapy as well as evaluation of certain behaviors, such as making judgments about how the client should proceed with his future, or how others should handle the client
- Accepting gifts from patients. Staff should be trained to not accept gifts from patients as well in order to avoid any gray area.
- Consulting with a family member or friend close to the client as this could be viewed as a conflict of interest because one point of view can be taken over the other and can cloud the professionalism of the therapist.

Anything that has the “appearance” of conflict of interest can be damaging even if this perception is not based on fact. Staff members also need to be wary about giving advice; working in the therapist’s office is not the same as holding the therapist’s license.

Like physicians, therapists also need also be careful when accepting payment; their ownership of health care facilities and self-referral practices can also present conflicts of interest. Paying therapists for each service they provide creates incentives for them to increase the volume of their services. In addition,

the appropriate pricing of specific services and categories of services is a concern, it's best to set standard pricing for the services provided.

Moreover, therapists and psychologists face a constant ethical and moral dilemma in their dual roles as business professionals and medical professionals. They are in the business to both make money and to heal, therefore it is important to remain ethical in all advice provided. It is also vital to review and understand professional ethics codes as well as state regulations as they pertain to conflicts of interest.

Keeping your practice above board will keep your patients coming back to you. The skill and insight you offer as a therapist that will mean the most to your patients and to society in the long run.