

Sample Protocol A

JOINT PSYCHOANALYST ASSISTANCE COMMITTEE

GOALS AND PROCEDURES

I. Preamble

Accountability to the public, through assurance of competent care to patients by psychiatrists, psychologists, and social workers, is a paramount responsibility of those engaged in psychoanalysis and psychotherapy and the education of psychoanalysts and psychotherapists. On occasion, such accountability is jeopardized by a practitioner whose professional functioning has been impaired by medical illness, psychological problems, alcoholism, drug dependence or other disorders. Impairment of a colleague or friend in our Society or our Institute is an aversive topic that commonly evokes embarrassment, distress, and varying degrees of disavowal. Difficult situations are, therefore, frequently handled in a minimalist fashion or by outright neglect by well meaning friends, often to the detriment of our colleagues in caring for themselves or fulfilling their professional responsibilities.

This document creates a joint standing committee with the purpose of assisting colleagues in receiving assessment and treatment for conditions which underlie impairment. This committee, known as the “Joint Psychoanalyst Assistance Committee” (JPAC), will provide, in a timely fashion, compassionate attention for our colleagues. The conduct of JPAC members will be guided by a proper regard for our psychoanalytic ideals in the care of patients and in all professional activities. The procedures set forth below are designed to facilitate and effectuate this objective. All Society members, Institute faculty, and students in all training programs at the Institute for Psychoanalysis accept these goals and procedures by virtue of membership in one or both of these institutions.

II. Definition of Impairment

In keeping with the definitions contained in the State Medical Practice Act, the State Clinical Psychologist Licensing, and State Clinical Social Work Act, “Impairment” shall mean the inability to practice with reasonable skill and safety due to physical or mental disabilities, as evidenced by (i) a written determination, by appropriate professionals not part of the JPAC, or (ii) written consent from the colleagues in question to obtain records of clinical evidence of impairment, including deterioration through the aging process or loss of motor skill, or abuse of drugs or alcohol, of sufficient degree, to diminish a person’s ability to deliver competent patient care.

II. Duties of the Society and the Institute Regarding Impaired Psychoanalysts, Faculty, and Students

- A. Pursuant to the requirements of the State Medical Practice Act, and in keeping with analogous provisions of the State Clinical Psychologist Licensing and State Clinical Social Work Act, the Society is a professional association and the Institute is an educational institution obligated to report to the appropriate bodies of the State Department of Professional Regulation if, in pertinent part, the Joint Psychoanalytic Assistance Committee has determined that a member, faculty member, or student may be mentally or physically disabled in such a manner as to endanger patients under that person's care or to prevent the analyst or student from competently carrying out educational responsibilities.
- B. To implement its statutory reporting obligations, and to assist its members, faculty members, and students in meeting their obligations (as described below) to aid potentially impaired members, the Society and Institute have instituted formal procedures for processing and investigating inquiries, allegations, or complaints regarding possible impairments of members, Institute Faculty and Institute students and determining when a report to the Department is warranted and/or required by law. These procedures are detailed in Section V, below, which describes the procedures of the Joint Psychoanalyst Assistance Committee.

IV. Conditions of Membership Regarding Impaired Psychoanalysts and Students

Each member of the Society agrees to cooperate with the committees of the Society, including the Joint Psychoanalyst Assistance Committee, and agrees to abide by the procedures described in the Constitution of the Psychoanalytic Society, and Appendixes A and B thereto; the Principles of Ethics for Psychoanalysts of the American Psychoanalytic Association, as adopted December 1975 and including any and all subsequent revisions; and the Provisions for Implementation of the Principles of Ethics for Psychoanalysts, as adopted December 1975 and including any and all subsequent revisions, as a condition of membership in the Society. Each Faculty member and all students of the Institute agree to abide by the Rules and Regulations of the Institute for Psychoanalysis and the Provisions including the procedures of the Joint Psychoanalytic Assistance Committee. Each Faculty member and student acknowledges the Society's and the Institute's reporting obligations under the State Medical Practice Act, and further accepts the Society's and Institute's additional reporting procedures for non-physician members and non-physician Faculty members and students under the State Clinical Psychologist Licensing, and State Clinical Social Work Acts, and further agrees to release and hold harmless the Society, its officers, agents, and members of all committees described in the Constitution as well as the Institute, its officers, its Board of Directors, agents, and members of all committees described in the Rules and Regulations from any and all claims:

1. Arising from the initiation, acceptance, processing, investigation, or rendering an opinion or judgment in regard to allegations, complaints, or matters regarding impaired psychoanalysts and students;
2. Arising from, or in any other way concerning, any sanctions or Illinois disciplinary actions (including, but not limited to, proceedings before the Department and criminal or civil lawsuits against such member) that result from any such proceedings; or
3. Arising from, or in any other way concerning, any action, investigation, or proceeding brought in any forum by any third parties (including, but not limited to, that member's patients or former patients), based upon or resulting from information provided by the Society and the Institute to the Department regarding that member.

V. Procedures of the Psychoanalyst Assistance Committee

- A. Purpose: The JPAC is charged with assessing whether an individual under the jurisdiction of this document is or may be impaired and evaluating the extent of such impairment. When the possibility of an individual's impairment is brought to the Society's and/or Institute's attention, through a complaint or otherwise, the Joint PAC will facilitate suitable assessments of that member and will recommend and/or monitor ameliorative measures, when appropriate. If, after all appropriate investigation and consideration, the JPAC determines that a member is, or may be, impaired, it will issue a written recommendation to the President of the Society and the Director of the Institute for Psychoanalysis, which shall form the basis for the Society's and Institute's report of impairment to the Department.
- B. Structure: The PAC is a permanent standing joint committee of the Society and the Institute comprised of 3 members from the Society and 3 members from the Institute, appointed for a 5 year term. (At its inception, 2 of the members from the Institute will be appointed for 3-year terms; subsequently, all members appointed to replace members whose terms have expired shall serve for 5 years. Current members of the Society's PAC will continue to serve the remaining portion of their term. Any member of the Society and any Faculty member of the Institute may serve on the JPAC. If possible, a former President of the Society and a former Dean or Director of the Institute will serve on the PAC at all times. The chairman of the committee will be elected by the committee and will serve through the penultimate year of his or her term.
- C. Quorum: The JPAC will meet to assess a member's potential impairment and take appropriate actions only if a quorum is available. If more than two members of the JPAC have recused themselves from the proceeding, a

Special Ad-Hoc Psychoanalyst Assistance Committee, (comprised of the remaining non-recused members supplemented by additional member(s) of the Society and/or the Institute, according to which institution the recused member(s) was representing), will be appointed by the President of the Society and/or the appropriate committee or officer of the Institute to consider that single matter.

- D. Recusal: Any member of the PAC who has had a personal or privileged relationship with the analyst or student to be assessed by the JPAC, or with any informant or complainant or other individual involved in such proceedings, or who has other personal or privileged knowledge about the matter, must immediately recuse him/herself from the matter. In addition, any member who believes there is some other good and sufficient reason not to hear a proceeding assessing a particular analyst, also may recuse him/herself from the proceeding.
- E. Assessment: When information is provided to the Society and/or the Institute suggesting that an analyst or student of the Institute may be impaired, the JPAC will be convened to explore the matter. The analyst in question will be notified and provided with a copy of this document. The JPAC shall assign a "Task Force," comprised of 2 JPAC members, to investigate the matter, interview the allegedly impaired psychoanalyst and any informant(s) and/or witness(es), and review any relevant documents and/or other relevant information. Once the Task Force has completed its fact finding investigation, it shall issue a written report to the PAC as a whole. The Task Force has no authority itself to make determinations or recommendations to the analyst or student being investigated or to initiate any medical or psychological investigations. The JPAC will thereafter meet to consider the information that the Task Force has gathered and to make appropriate plans. At the conclusion of the investigation, the JPAC will make its final determination based on all information gathered and send a report, if warranted, to the appropriate officers of the Society and the Institute. A report is warranted if an analyst or student is impaired and refuses to follow the JPAC recommendation about how to deal with the impairment and its consequences. This shall include the impaired analyst's understanding of his or her impairment and the analyst's plans to deal with the impairment and its effect on his or her capacity to function professionally in a competent fashion.
- F. Disposition: The JPAC may make the following determinations or recommendations:
1. Dismissal of concern – no evidence of impairment was found, or any such evidence is not sufficient to warrant concern.

2. Further review required – evidence is insufficient to confirm or rule out impairment, and additional assessments are needed. Further review is to be conducted at a designated time no longer than 6 months later.
 3. Intermediate recommendations – the JPAC may recommend monitoring and/or supervision at regular intervals and may determine that treatment of the member is warranted.
 4. Possible impairment – although evidence is not determinative, there is sufficient evidence of impairment and endangerment to recommend that suspicion of impairment be reported to the Department.
 5. Determination of impairment – evidence supports a finding that the member is mentally or physically disabled in such a manner as to endanger patients under the member’s care.
- G. Report to Department: In keeping with its statutory duties under the State Medical Practice Act, the Society and Institute must notify the Department if a member is or may be mentally or physically disabled in such a manner as to endanger patients under that person’s care. The Society and the Institute therefore shall issue a report to the Department as soon as practicable after a recommendation by the JPAC of a member’s impairment or possible impairment. In individual cases, if deemed necessary, with the advice of the JPAC, the Society may consult with legal counsel before making reports to the Department.
- H. Confidentiality: During investigations by the JPAC, the identity of a member suspected to be impaired shall be kept strictly confidential. The identity of that member will be reported to the Department only as required by Illinois law and this document. However, even after such report to the Department is made, and until such time as the Department may make public the member’s identity (by administrative, legal proceedings, or otherwise), the Society and the Institute shall not disclose that analyst’s identity.
- I. Actions: The Society and Institute shall not take steps to suspend or terminate an analyst’s membership in the Society or position in the Institute based on a finding of impairment or possible impairment, or in any other way discipline that analyst, until after the Department has made its own determination and issued its findings. If the Department finds that an analyst is impaired, the Society and Institute may take steps, as appropriate to the impaired analyst’s or student’s actions and consistent with the Department’s determination, to take action against such member. The Society and Institute will act separately and individually in reaching a

decision that action is appropriate and in deciding the appropriate action to take. Such actions may include the suspension or termination of an individual's membership in the Society, being placed on inactive status or removed from the Faculty of the Institute, or being placed on leave from student status or being withdrawn from student status.

- J. The analyst or student who is being investigated for impairment must pay for all evaluations and consultations that are required to reach a decision about whether or not an impairment is present.