

From September through December of 1993 Nancy Smith, a young architect (29) with a leading local firm, had psychotherapy sessions twice a week with Dr. Bruce Brown, a licensed therapist. She discontinued therapy with Dr. Brown at the end of the year to leave the city on a special assignment for three months. Upon returning, she did not resume therapy with Dr. Brown. Nancy didn't see him again at all until January of 1996 when she and Dr. Brown met at a social gathering. Shortly after the gathering, they began to see one another, and a sexually intimate relationship developed between them. Neither Dr. Brown nor Nancy is married. Dr. Brown is recently divorced. He is ten years older than Nancy.

Should the Psychiatrist's Code of Professional Conduct include a rule, for whose violation a psychotherapist may be subject to discipline, forbidding sexual intimacy between a psychiatrist and a person who has consulted with him or her, in the preceding circumstances? If so, why, and what kind of disciplinary sanction is appropriate? If not, why not?

MODERATOR'S ANSWER: It is difficult to think of a factor that could interfere with, or distort a psychiatrist's professional judgment more than sexual relations with a patient. For this reason there should be, and, in fact, there is, a rule of professional conduct for psychiatrist that prohibits them from having sexual relations with a current patient. Psychiatrists who violate this prohibition risk losing their licenses to practice. In the case of Nancy Smith and Dr. Bruce Brown the sexual relationship began slightly more than two years after Nancy concluded therapy. A rule of professional conduct prohibiting a psychiatrist from having sexual relations with a patient, however, does extend for a substantial time period after a patient leaves therapy because patients often resume therapy again in the future. The Code of the American Psychological Association strongly discourages sexual intimacy between a psychiatrist and a former patient even after two years. According to the Code, if a complaint is filed in such a situation the psychiatrist bears the burden of demonstrating that the affair with the patient was not exploitative.

Case from the March 6, 1997 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1997.