

require that such a consultant obtain a certificate or license. The degree of freedom granted to any state will depend upon a number of factors, but it is the Committee's recommendation that:

"24. Provision be made in psychology laws for the visiting psychological consultant offering psychological services on a short-term basis."

The following example from the Illinois law is presented as a reasonable guide:

"A psychologist who is not a resident of this State and offers professional services in this State for not more than 5 days in any calendar year is exempt from the provisions of this Act.

"A psychologist who is not a resident of the State, but (1) is licensed or certified by a similar board of another State, or territory of the United States, or of a foreign country or province whose standards, in the opinion of the Department, are equivalent to or higher than, at the date of his certification or licensure, the requirements of this Act, or (2) meets the requirements of paragraphs (a), (b), (c), (d), (e), of Section 10 (basic requirements except for examination) and resides in another State, or territory of the United States, or in a foreign country or province which does not grant certification or licenses to psychologists may offer professional services in this State for a total of not more than 60 days in any calendar year without holding a certificate issued under this Act; provided that such persons shall report to the Department the nature and extent of their practice in this State if it exceeds 20 days within any calendar year."

L. *Privileged communication provisions*

In the policy statement adopted in 1955, the following appears, not as a formal recommendation, but as a general guideline:

"Should the legislation give legal protection to the confidentiality of relations between the psychologist and his client?

"In *Ethical Standards of Psychologists* the psychological profession has accepted the obligation to protect the confidentiality of psychologist-client relationships. It is consistent with this to seek provisions to make the protection of confidentiality legally feasible.

"There is general agreement that a clause in the legislation to achieve this purpose might read as follows: 'For the purpose of this Chapter (or Act) the confidential relations and communications between licensed applied psychologist (or certified clinical psychologist or licensed psychologist or psychological examiner) and client are placed upon the same basis as those provided by law between attorney and client, and nothing in this Chapter (or Act) shall be construed to require any such privileged communication to be disclosed.'"

Recognizing the importance of the need to provide as much protection as possible to the public which uses a psychologist, it is the Committee's position that the 1955 policy is probably a good guide for a state association that wants to include a provision in a certification or licensing bill, but that the inclusion or exclusion should not be made a point of contention. It is also advisable to check to see what relationships are and are not privileged in a given state by statute, in assessing whether or not such a provision would prove injuriously controversial. It is recommended that:

"25. Wherever possible, a clause protecting the privileged nature of the psychologist-client relationship be included."

Thirty-two of the 41 laws now on the books in the United States and Canada grant the privilege to the psychologist-client relationship, usually with the attorney-client relationship as the model.

Up until a few years ago, there was little controversy about such provisions, either within psychology or without. Then questions arose in several state associations, and the Committee on Legislation itself began to wonder if the rather simple statement in the 1955 policy document was still appropriate.

The Committee has spent a good bit of time at its meetings these past few years discussing privileged communication and related issues and has prepared a background paper on the matter of privilege. Since it is basic to our legal tradition that the privilege belongs to the client, not to the professional person, it has become increasingly evident that it should be accorded any person irrespective of the professional designation or training of the helper whom he chooses. The Committee has come to take a broader view of privilege in light of its study and recommends that:

"26. When appropriate, psychologists assist in obtaining general 'across the board' legislation for such privileged communications."