

## Verbal Abuse - Free Speech

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... There are situations that may arise in the course of practicing therapy where a therapist or counselor may need or want to confront a patient very directly and may do so in a manner that the patient dislikes. Depending upon circumstances, the practitioner may or may not have difficulties with his or her licensing board. In an interesting case in New Hampshire, a physician had a complaint filed against him with the New Hampshire Board of Medicine, which first tried to settle the matter but then forwarded it to the Attorney General's Office for investigation. The case involved insensitive statements made by the doctor to his overweight patient.

The doctor admitted that he "told a fat woman that she was obese." The woman claimed that the doctor was hurtful and not helpful. She claimed that the doctor said words to the effect that she was so obese that she would only be attractive to black men. In defense of that statement the doctor said that he had read polls that indicated that black men prefer overweight women. A Superior Court judge stopped the Board from taking any action against the doctor, relying upon the doctor's constitutional right to free speech. The judge indicated that calling a patient fat or unattractive to men – though it may be offensive – is permissible.

Some ethics "experts" opine that becoming verbally aggressive to get a patient's attention is not unethical. There are, of course, opposing views. Therapists must be careful how they talk to their patients. They should not, however, be handcuffed or intimidated from "getting real" with their clients, if necessary. Since practicing psychotherapy is both an art and a science, licensing boards should show restraint in areas like this and should not hamper practitioners from being expressive, directive, or even confrontational.

**Author:**

Richard Leslie