

## Law-Ethics Conflict: Jaffee v. Redmond

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### Overview

Since the early 1950s, court interpretations and legislations have been sought to establish some form of privileged status regarding the psychotherapeutic communications and the medical records/data in general. Subsequently, in 1996, the Supreme Court of the United States ruled in *Jaffee v Redmond* HIPAA case that the psychotherapeutic communications should be privileged in any federal court.

Moreover, the medical privacy rule underlying the Health Insurance Portability and Accountability Act (HIPAA) allows the US Department of Health and Human Services to give both the patients' medical records and psychotherapeutic notes the necessary confidentiality protections as outlined in the legislations (Mosher & Swire, 2002, p. 575).

Further, due to the underlying risk that different people may interpret these legislations in different ways or that these legislations may be in direct or indirect conflict with the existing Ethics Code for psychologists, this article seeks to discuss the ethical and legal implications of the *Jaffee v Redmond* HIPAA case.

### Legal implications

In the early 1990s, many federal courts in almost 50 States sought to establish federal privilege regarding the psychotherapeutic communications except that they had not reached a decisive conclusion.

However, through the *Jaffee v Redmond* case, the US Supreme Court established an absolute privilege as opposed to a qualified privilege, which in this regard excludes case-by-case considerations seeking to factor in the impact of any evidence protected by the federal privilege in court proceedings.

As a result, the ruling implies that the privilege established in the psychotherapist-patient communications should be very reliable and unambiguous to maintain confidence and trust in the psychotherapist-patient relationship (Mosher & Swire, 2002, p. 576).

# Law And Ethics Conflict Essay

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