

Sexual reassignment surgery and letters of support

Question: I am a licensed professional counselor in private practice. A transgender client of mine is considering getting sexual reassignment surgery and has asked if I would provide a written statement to her health insurance company supporting her decision. I would like to help this client, but I am trying to figure out whether this is within my scope of practice and whether there are any ethical or risk management issues I should consider. Do you have any suggestions?

Answer: In trying to do the right thing for your client, you are upholding your primary ethical responsibility of respecting the dignity and promoting the welfare of your client (Standard A.1.a. of the 2014 *ACA Code of Ethics*). However, you will need to consider some complex issues before you make your decision.

If you are being asked to perform an evaluation that may be considered a forensic evaluation (i.e., evaluation for legal proceedings), you would need to refer to Standard E.13.c. of the *ACA Code of Ethics*, which states that “counselors do not evaluate current or former clients” or “counsel individuals they are evaluating.” Think about the ramifications of handling both roles at one time. For example, if you believed that your client currently has a serious personality disorder or is delusional, you likely would not recommend potentially life-altering surgery. This opinion on your part could destroy the relationship of trust with your client. Conversely, if you evaluated the client and wrote a letter of support and the client later regretted the decision, your therapeutic relationship could be compromised.

Another consideration would be researching what protocols or guidelines may be in place for doing evaluations or assessments of people who are considering sexual reassignment surgery. Some mental health professionals may have experience and training in the issues and specialized knowledge of the types of surgery and projected outcomes. Lacking this experience and training, a counselor might consider whether such evaluations would go beyond his or her scope of practice.

You also might investigate the standards of care of the World Professional Association for Transgender Health, available at wpath.org. In writing “Guidelines for Psychosocial Assessments for Sexual Reassignment Surgery or Gender Affirmation Surgery,” licensed marriage and family therapist Julie Graham of the San Francisco Department of Public Health stated that there is no standard gender screening tool (see bit.ly/2rQscYm).

Additionally, anytime the diagnosis is gender dysphoria, it must be handled with sensitivity. Graham and others have also suggested that the ability to give informed consent is a key component in performing a psychosocial assessment prior to surgery. For example, if a client has a cognitive impairment, it would be difficult, if not impossible, to give truly informed consent.

If your client came to you with gender identity issues and you diagnosed the client with gender dysphoria, or if the client came to you with this diagnosis, this may be different from a situation in which your client was diagnosed with gender dysphoria after months or years in counseling. In the former case, addressing gender issues would be part of the counseling plan and informed consent

process; writing a letter to the insurance company may be part of that plan. In the latter case, because writing a letter was not part of the original counseling plan, you would need to explore the issues involved in changing roles from providing direct counseling services to forensic evaluation (see Standard A.6.d. of the *ACA Code of Ethics*).

Before agreeing to write a letter of support to the surgical candidate’s health insurance company, you should also find out whether the insurance company will accept a letter from a licensed professional counselor. If the insurance company’s protocols call for a medical evaluation, it may not accept your letter. If psychological testing is called for to assess the surgical candidate’s mental status and mood, you must ensure that you have the proper experience, education and training to engage in that testing. You may also wish to check with your state licensure board to verify that this type of evaluation or assessment falls within the scope of practice for counselors in your state.

Any therapist who believes that he or she possesses the education, training and experience to conduct such evaluations would also want to specifically state in the final report that the assessment is based solely on information obtained from the client (or specify information received from others, if applicable) and on the client’s mental status at the current time. No therapist has a crystal ball to guarantee that the client will remain free from any mental health problems in the future, and the therapist would not want to imply that.

The evaluator would also want to clarify that this evaluation is not being performed to rule out medical risks such as infection and bleeding. The surgical candidate should be encouraged to

discuss medical issues with the surgeon and the medical team. Depending on the circumstances, the evaluating mental health professional might recommend supportive psychotherapy following surgery.

If you conclude that complying with the client's request is outside of your scope of practice, training and experience, or that it could cause a problematic "other" relationship, you should assist the client in finding an appropriate person to provide the evaluation. Because your client may have been ignored, rejected or subject to ridicule in the past, you would want to explain clearly why another independent mental health professional with experience in such evaluations may be better able to provide the evaluation and letter. Confirm with the client that you remain committed to the counseling relationship before, during and after the surgery decision is made.



The question addressed in this column was developed from a de-identified composite of calls made to the Risk Management Helpline sponsored by the American Counseling Association. This information is presented solely for educational purposes. For specific legal advice, please consult your own local attorney. ♦

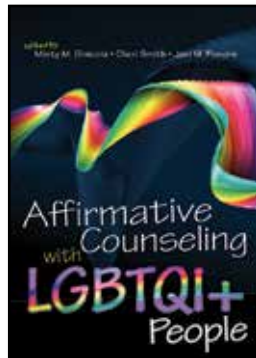
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