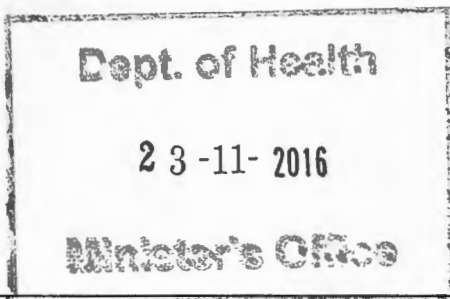
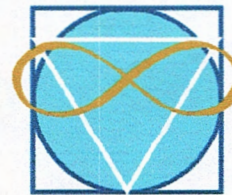


Waiish

P. Comerford,
M.Coun, B.A., H.Dip.Ed, Dip.Catech, R.T.C., D.A.C., E.C.P., M.W.G.I.I.,
M.A.N.I., M.I.A.H.I.P., S.I.A.H.I.P., M.E.A.P.
'CLOTHO',
84 Great William O' Brian Street,
Blackpool,
Cork City,
Ireland.



I.A.H.I.P. Accredited Supervisor,
IAH.I.P. Accredited Humanistic Psychotherapist,
W.G.I.I. Certified Basic Practicum Supervisor,
W.G.I.I. Certified Reality Therapist,
A.N.I. Accredited Adlerian Therapist,
Family and Addiction Counsellor.
Tel: 021 – 4552417 (Weds – Sat).
E-mail: p.comerford57@gmail.com

22 November 2016.

Mr Simon Harris TD,
The Minister for Health,
Public Consultation,
Professional Regulation Unit,
Department of Health,
Hawkins House,
Dublin 2.
D02 VW90

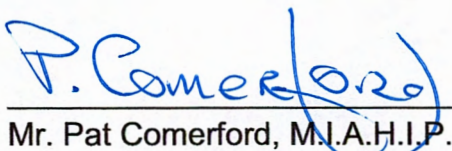
Re: Submission on the proposal to regulate counsellors and psychotherapists under
the Health and Social Care Professional Act 2005

Dear Minister Harris,

I congratulate on your efforts to regulate the professions of counsellors and psychotherapists in this country, Eire. I particularly value your inclusive invitation to counselling and psychotherapy professional bodies, and individual professionals, to make submissions.

Enclosed please find my personal and individual submission on the proposal to regulate counsellors and psychotherapists under the Health and Social Care Professional Act 2005.

Yours Sincerely,


Mr. Pat Comerford, M.I.A.H.I.P.

**Submission on the proposal to regulate counsellors and psychotherapists
under the Health and Social Care Professional Act 2005**

I submit that future regulations governing the profession of Counsellors and Psychotherapists should not include the task of 'diagnosis' as defined in the Health and Social Care Professional Act 2005 (Part 1, Section 4(3) (c): "*the diagnosis, the treatment or care of those who are injured, sick, disabled or infirm*")

There are several significant reasons for the rationale of this submission:

1. The Code of Ethics of my professional body, Irish Association of Humanistic and Integrative Psychotherapy (IAHIP) does not define Humanistic and Integrative Psychotherapists role as being '**diagnosticians**' of mental disorders.

This is consistent with the '**Definitions from Professional Bodies and Educational Documents**' ('Response to Minister for Health on Regulation of Counsellors and Psychotherapists', Appendix 2, p.p. 26 – 28), in which there is no reference to Counsellors and Psychotherapists engaging in the task of '**diagnosis**', unlike in the Health and Social Care Professional Act 2005 (Part 1, Section 4(3,c)

2. Insurance companies will not provide Public Indemnity to Psychotherapists and Counsellors that will cover the '**diagnosis**' of mental disorders. Diagnosis is a task regarded as the preserve of Psychiatrists. I have included two e-mails from insurance companies stating their policy on '**diagnosis**':

----- Forwarded message -----

From: Louise Finn <Louise@bmib.ie>
To: "psycho2003@eircom.net" <psycho2003@eircom.net>
Cc:
Date: Tue, 20 Sep 2016 11:03:41 +0000
Subject: Query
Hi Pat,

We write in reference to your query as to whether a Psychotherapist would be covered to make a mental diagnosis of a patient suffering mental illness.

We wish to confirm that No they would not.

It would be a psychiatrist who would make such a diagnosis.

**Kindest Regards,
*Louise Finn***

**27 Castle Street,
Sligo.**

Phone No. +353 71 91 41030

Fax No. +353 71 91 38460

Email: louise@bmib.ie

Dear Pat,

Apologise this was a typo – our policy does not cover Psychotherapists and/or Counsellors to make a mental diagnosis of a patient suffering mental illness.

Kind Regards,

Ruth Brennan

CIP, APA Commercial & Personal General Insurance

Address: Bridge House, Baggot Street Bridge, Dublin 4, Ireland

Telephone: 00 353 (1) 660 1033 / 676 0201

Fax: 00 353 (1) 668 7985 / 676 0791

Web: www.obf.ie

3. Several IAHIP colleagues have reported to me that their respective professional indemnity policy does not cover '**diagnosis**' of mental disorders, which is consistent with my investigations into this aspect of the activities of Counsellors and Psychotherapists.
4. Counsellors and Psychotherapists engaging in the activity of '**diagnosis**' will create professional boundary confusion and potential conflicts with the members of the College of Psychiatrists of Ireland (CPsychI) and the Irish College of General Practitioners (ICGP).
5. The Mental Health Act of 2001 defines '*mental disorder*' as a "...*mental illness, severe dementia or significant intellectual disability...*" (2001, Part 1, Section 3(1)). It is not within the remit of Counsellors and Psychotherapists to make '**diagnoses**' of mental disorders; it is for Registered Medical Practitioners and Psychiatrists (2001, Part 1, Section 2(1)) to make diagnoses.

I submit that in future regulations of the profession of 'Psychotherapists' it **does not include the medical activity of 'diagnosis'** as defined in the Health and Social Care Professional Act 2005 (Part 1, Section 4(3)).

This submission is based on the definition of 'Psychotherapist' presented in Appendix 2 of 'Response to Minister for Health on Regulation of Counsellors and Psychotherapists':

"Psychotherapist Professional engaged in the delivery of the treatment of mental disorder by psychological rather than medical means" (p.25).

Furthermore, the Mental Health Act 2001 defines *'mental disorder'* as follows: *"mental disorder means mental illness, severe dementia or significant intellectual disability"* (2001, Part 1, Section 3 (1)). The Act legislates that *'mental disorder'* requires an *"examination... (which) means a personal examination carried out by a registered medical practitioner or consultant psychiatrist of the process and content of thought, the mood and the behaviour of the person concerned"* (2001, Part 1, Section 2 (1)). Since *'mental disorder'* is defined as a medical illness then it is not professionally appropriate that those *'Psychotherapists'* who are not *'registered medical practitioners or consultant psychiatrists'* engage in the medical practise of *'diagnosis'* let alone *'examination'*.

I am also aware what is assured in the Medical Practitioners Act 2007. It legislates that: *"the practitioner is a person registered under the Health and Social Care Professionals Act 2005 to practise a profession designated under that Act who only practises medicine in the course of, and for the purposes of, the lawful practise of that profession"* (Part 6, Section 38 (d)). This part of the legislation does not specify the medical practise of the *'diagnosis'* of mental illness.

In the case of mental health specifically, the *Mental Health Act (2001)* in the *'practise of medicine'* legislates that, in a hospital setting, it is led or supervised by a *"consultant psychiatrist"* (2001, Part 6, Section 71 (1)). Since *'Psychotherapists'*, however, generally are not trained in medicine to register as medical practitioners or consultant psychiatrists, and it is because of this that they are instead *"engaged in the delivery of the treatment of mental disorder by psychological rather than medical means"* as presented in the definition of *'Psychotherapist'*.

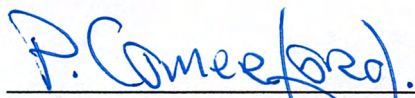
The response to Question 1 (*'Response to Minister for Health on Regulation of Counsellors and Psychotherapists'*) does not address the concerns I have about *'Psychotherapists'* engaging in the inaccurately framed *"health and social care..."* activity of *'diagnosis'* (p.7). To include the more accurately termed medical activity of *'diagnosis'* will change the fundamental role of *'Psychotherapist'*, and it will require a reconstruction to the presented definition.

To include *'diagnosis'* in the job description of *'Psychotherapist'* will also potentially create serious blurring of professional boundaries between the qualified registered medical practitioners and *'Psychotherapists'*. It will undermine the significant *'diagnostic'* role of both registered medical practitioners and consultant psychiatrists.

The response to Question 1 also does not address my concern for those *'Psychotherapists'* who are in private practise and who are not part of a medical multidisciplinary team.

I have included an article I wrote (*"Humanistic psychotherapists, car mechanics, Shakespeare and the DSM-5"*) which was published in the IAHIP Journal *'Inside*

Out', (79, 60-70). In this article I essentially argue that it is philosophical and professional anathema for Humanistic Psychotherapists to engage in 'diagnostic' activity with their clients. I recommend that clients be referred to the appropriate medical practitioner if 'diagnosis' is professionally considered necessary.



Mr. Pat Comerford, M.I.A.H.I.P.