

# MEANING MAKING AFTER MALPRACTICE COMPLAINTS AGAINST PSYCHOLOGISTS: LOSING THE BATTLE, WINNING THE WAR

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## Abstract

A career in psychology can in general be seen as very rewarding and meaningful. However, working as a psychologist in a Third World country such as South Africa, poses its own unique challenges. There is a severe shortage of psychologists in South Africa (2.75 psychologists per 100 000 individuals). This places a severe burden on psychologists to provide services. Besides excessive workloads, psychologists also experience severe stress due to managing clients, attending to administrative procedures, balancing work-home life and financial concerns. An additional stressor, namely a malpractice complaint, increases the risk of distress and possible impairment within the psychologist. The aim of this research was therefore to determine how psychologists who experienced an adverse event such as a malpractice complaint made meaning thereof. Meaning making can be defined as the process of coming to an understanding of how events in one's life fit together, how to adjust to adverse events and to integrate challenges about oneself, others, one's world and to find equilibrium. A qualitative design was followed where semi-structured interviews were conducted and the results analysed and interpreted from an interpretive phenomenological perspective. The results indicated that the group of psychologists who participated (n=10) in this research were able to experience meaning making despite the traumatic impact of such a complaint. Three themes emerged: The participants experienced professional and personal growth; meaningful changes were made to risk management; and the complaint contributed to integration of meaning of life. The research made a positive contribution on theoretical level in terms of meaning making after malpractice complaints, but also on practical level in that the results can be used for therapeutic and professional guidance and intervention in order to re-establish psychological well-being after an adverse event.

**Keywords:** *Professional complaints, ethics, meaning making.*

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## 1. Introduction

This qualitative study aimed to explore the meaning making of ten South African psychologists who experienced an adverse professional event, namely professional malpractice complaints. The study envisioned that by understanding these professionals' meaning making, insight could be gained of what sustained the practitioners and what meaning they made despite the distressing events. The results of this study can be used for therapeutic and professional support of practitioners during such an adverse event.

## 2. Professional charges against psychologists

South Africa can be seen as a Third World country with conditions of adversity. Crime, poverty and lack of basic services form part of the socio and economic landscape, leading to scarcity also in the mental health care arena (De Kock & Pillay, 2018). Psychologists are faced with severe occupational stress leading to burnout (Sim, Zanardelli, Loughran, Mannarino, & Hill, 2016). In general psychologists are faced with managing clients with complex problems and difficult diagnoses, excessive workloads, keeping professional boundaries, maintaining ethical standards, organizational stressors and having difficulties balancing work-private lives (Rupert, Miller, & Dorociak, 2015). Already in 2007, research done by Jordaan, Spangenberg, Watson, and Fouché found that South African Psychologists displayed above average levels of anxiety and depression and at times battled to manage their own stress. This may be correlated with the working conditions in which South African Psychologists often find themselves in. There is a high demand for services but limited service availability. Psychologists often experience feelings of powerlessness or lack of control within the current health system. Amidst the scarcity of health resources, medical malpractice litigation and claims have increased, in both the public and private sectors in South

Africa (Oosthuizen, & Carstens, 2015). Malherbe (2013) postulated that this increase may be due to several factors, namely decreased professional standards, changes in the legal system, clients' awareness of rights, and pressure on psychologists due to the collapsing health system or a combination of these factors. The changing face of professional practice and the rise in consumerism in the wider medical field may also contribute to malpractice claims. Further indications are that practitioners often prefer to cease practice rather than run the risk of law suit that may be extended and expensive. Professional practice indemnity firms have in the past few years raised their practice indemnity fees for psychologists, because of the protracted, complex and potentially expensive nature of proceedings at the Health Professions Council of South Africa (HPCSA) and the potential cost of clinical negligence claims or eventual non-claims). This however also places an additional financial burden on the practitioner. It is impossible to predict who will be charged as it is not only devious or criminal practitioners who are complained against (Keith-Spiegel, & Koocher, 1995). Newly qualified psychologists who are motivated often makes mistakes due to inexperience. Experienced psychologists make judgement calls which with hindsight, proved to be incorrect. Honest mistakes or negligence can lead to mistakes, while some psychologists are personally troubled or impaired or have job burnout and limited emotional strategies to cope with demanding circumstances and difficult clients. Allen states: "the threat of legal liability is a constant source of concern to therapists (Allan, 2001, p. 68).

The effect of a malpractice claim on practitioners is well documented by literature and Poythress and Brodsky (1992) described the stress as pathogenic. Psychological symptoms and specifically depression and pervasive anger, were common in defendants in relation to litigation process. They suggested that professionals may develop "litigaphobia" which means an excessive fear of litigation. This may in future have a severe impact on their personal and professional lives. Clinicians may develop a negative attitude towards their work and their clients and start to practice defensively. The results of their study also indicate that the half-life of emotional impact of litigation extends into several years. Charles (2001) describes this reaction as Malpractice Stress Syndrome (MSS) and parallels between MSS and Post Traumatic Stress Disorder were drawn by Ryll (2015). It is imperative that psychologists who have faced a professional charge against them, should be assisted in the process of coping. Coping refers to mitigating the harmful effects of stress and regulating negative emotions and distress (Folkman, 2011). A focus should be on stress-related resilience which implies the maintenance of wellbeing during stress and the process to recover after stress. Zautura and Reich (2011) postulate that recovery, sustainability and growth form important constructs on resilience and bouncing back after adversity. Recent coping theories emphasize meaning focused coping.

### **3. Meaning making**

Meaning making can be seen as the process where a person in distress tries to fit a new experience into his or her understanding of the world, so that a sense of coherence and familiarity is restored. It therefore the process of making sense of our experiences. Proulx and Inzlicht (2012) indicate that we generally ask two questions: "what happened here?" (understanding the incident that brings the threat) and "why did this happen?" (understanding the meaning violation). Park (2010, 2013) proposes that when there is a discrepancy between how a person perceives a particular situation (how they see and understand the facts) and their global meaning system (what they believe and desire), this discrepancy creates distress and the person attempts to reduce the distress in various ways, for instance by coping strategies. Sometimes the situation does not lend itself to immediate and effective coping or problem solving (like for instance during a charge) and then the situation calls for a new meaning making in order to restore the belief that the world is meaningful. People experience meaning if they have a sense of how things fit together in their lives. Posttraumatic growth does not occur automatically after an adverse event (Janoff-Bulman, 2004) as the adverse event first needs to be incorporated into the life of the person and reappraised. In the context of a professional malpractice complaint, the individual's perception of himself, his profession, and world as he knows it, are all challenged which leads to psychological distress (Bourne et al., 2015; Charles, 2001; Kirkcaldy, Van Rensburg, & Du Plooy, 2022; Ryll, 2015). There is a paucity of research regarding how psychologists in South Africa make meaning of an adverse event such as a professional charge.

### **4. Research methodology**

The specific phenomenon under investigation in this study was how psychologists made meaning, if any of a malpractice complaint. A qualitative approach was chosen, and specifically interpretive phenomenological analysis, where semi-structured retrospective interviews were used as data collection method. This design was deemed to be the most appropriate as it is exploratory in nature and the focus was the specific experience of the participants. In interpretative phenomenological research the focus falls on

the personal meaning and sense making of a specific experience within a specified context. After obtaining ethical clearance by the Human Research Ethics Committee of the North-West University, South Africa (NWU-00367-16S1 approval number), psychologists registered in South Africa and who had received a complaint against them at any time during their career, were recruited by means of a public domain email, explaining the aim of the study. The invitation and particulars of the study was sent to a large, general group of psychologists whose email addresses appeared in the public domain. Potential participants were requested to privately contact the second author in order for confidentiality to be maintained. After obtaining informed consent, interviews were scheduled with the participants in venues which they could choose which would provide emotional security and confidentiality. Semi-structured interviews with ten participants, yielded rich data and it became clear that data saturation has occurred and no new themes emerged. Eight females and two males participated in the interviews. The participants ranged in ages from 45 years to 70 years and had an average of 23.2 years of experience. The interviews were manually transcribed and returned to the participants to make changes and additions in order to improve the credibility of the transcripts and to capture the essence of the individuals' experiences. Interpretive phenomenological analysis was used to analyse the data and to generate themes.

## 5. Research findings

Three superordinate themes were found during the analysis of the data. It became prevalent that participants experienced personal growth, made meaningful changes to certain practical aspects of their professional work, and experienced changes in terms of their meaning in life. In terms of professional personal growth, some of the participants reported that they eventually felt empowered by the process of defending themselves and more courageous and with more confidence. Some of them reported increased personal strength and increased self-reliance. One participant reported that she experienced herself as being able to cope better with life stressors. It was also noted that some participants had an increased realization of their fallibility and that they are able to make mistakes and overcome the feelings associated with such mistakes. An increase in self-insight and self-acceptance were also reported. The second theme identified, confirmed that participants made meaningful changes to practical aspects in their professional lives. They indicated that they saw it as an opportunity to re-evaluate the procedures they used in their practices and to increase risk management strategies. The participants reported being more aware of risk factors and being more proactive. There was an increase in reviewing the quality of their own work and an attentiveness of increasing quality. In this regard several participants increased their appreciation of continued professional development, and constant supervision. The participants became aware of the complexities of complaints and that complainants can at times be unreasonable and dishonest. Yet, the participants were mostly able to understand how the client's diagnosis could contribute some of the complaints. The participants also agreed that ethical deliberation is complex and multi-faceted. They agreed that in spite of being well-trained in ethics, ethical issues will always be present and that it is not always a clear-cut situation. Ethical guidelines are at times ambiguous and can be interpreted in different ways. However, the participants felt that being more prepared on professional level and expanding their risk management strategies they were empowered during the whole process. In terms of the third superordinate theme, the results indicated that the participants felt that the experience has led to a deeper meaning in their personal and professional lives. The experience led to experiencing a higher purpose in life and also the need to be more available and supportive towards others who may be going through similar processes. They also felt that the experience must be shared (where appropriate) with clients and other colleagues. They were therefore quite open about their experiences in training seminars, or during group or individual supervision. For some, helping others aided in the process of coping. For some, the meaning of their work, even if it led to an adverse experience, increased in its value and they felt that they are better equipped to provide therapeutic service. One participant felt that this experience made her aware of the important advocacy role that psychologists need to play in general life but also in the profession. Some participants felt that the charge against them provided them with the opportunity to reflect on their own values, but also that it served as a confirmation and validation of their values and ethical principles. Some participants felt that their experience of the HPCSA, and by providing feedback on national level, may improve the quality of the process and how professional complaints may be handled in future. Some of the participants have voiced their concerns to Board Members of the HPCSA, or at national symposiums and in the process they may benefit the profession at large.

The results of this study indicate that the professionals who participated in this research, could, despite experiencing severe trauma find meaning in the process and bounce back after such a traumatic experience. Baumeister (1991) is of the opinion that meaning making is a basic psychological need where a sense of purpose, justification of behaviour and the development of self-efficacy form an important correlation with positive self-worth. The results correlate Janoff-Bulman (1992) who described increased

awareness of personal strength as an important requirement for posttraumatic growth. The participants were able to identify strengths that came about during the process of making meaning. In terms of the second theme, namely changes in their practice management and risk strategies, Stevanovic and Rupert (2004) explain the important role of work-focused strategies and a sense of control in career-sustaining behaviour. The participants in this group re-evaluated their strategies which led to an increase in professional behaviour and sense of control. In the third theme, psychologists found meaning because it enhanced the experience of “being part of a bigger issue”, or being able to make a difference on a broader level. It also led to involvement in advocacy issues to improve the lives of others. Ward and King (2017) indicate that work that contributes to the world in a larger sense, add meaning and calling – which may lead to experiencing work as enriching, purposeful and fulfilling.

The participants in this research, did not initially thought that in the end the experience may led to meaning making. The initial shock, anger, depression and sense of hopelessness they experienced, had to be processed and assimilated in order to come to a point of meaning making. This experience was not only to the benefit of the professionals themselves, but may also lead to the support of others and possible changes in the process as followed by the professional body.

Limitations to this study are that generalizability is compromised by only using ten participants. Self-reports were the only sources of data, and there were no limit on how long ago the charge to place. It may therefore be that the participants found themselves in “different phases” of the meaning making process. Yet, as in-depth analysis of their experiences was the main aim, these results may stimulate further research in this field.

## 6. Conclusion

This study was a sub-study of a larger PhD thesis which consisted of three parts. In the first study the second author analysed professionals experience of having a charge against them in the second study professionals’ experience of their coping with such a charge was explored and in the final study professionals meaning making of having a charge against them were explored. The results of this study to a certain extent provides hope to practitioners who experience a charge against them (whether justified or not). The results indicated that in spite of the initial shock and trauma, the participants in this group was able to make meaning and in their experience, transcend to a higher level of functioning. The results of this study therefor make a valuable contribution in terms of knowledge, but also on practical level.

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