

Outline

Clinician-Client Relationship

- Law vs. ethics
- Elements of legal informed consent
- Nuts and bolts of office policies
 - Records vs. psychotherapy notes
 - What to put in a record
- Limitations on confidentiality
 - Massachusetts case law & danger to others
 - Massachusetts duty to warn potential victims HIPAA
 - The latest updates you need to know

Practical Approach to Risk Management

- Elements of consent
- Competence & scope of practice
- Boundary violations/crossings
- Issues with modern technology
 - Texting, cell phones, e-mail, video psychotherapy
- Perils of supervision

Litigation

- Licensing complaints & malpractice lawsuits
 - Massachusetts-specific statutes
 - Massachusetts rules and regulations
 - Case law and how to find it

Navigate the Legal System

- Roles of attorneys
- Confidentiality/privilege
- Subpoena & disclosure of confidential information
- Depositions, interrogatories, expert testimony

Treatment of Minors

- Massachusetts age of majority
- Consent to treatment
- Privilege/confidentiality
- Separation & divorce

Case Studies

Live Webcast Schedule

- 8:00 Program begins
- 11:50-1:00 Lunch Break
- 4:00 Program ends

There will be two 15-min breaks (mid-morning & mid-afternoon). Actual lunch and break start times are at the discretion of the speaker. A more detailed schedule is available upon request.

Objectives

- Describe how to avoid litigation dilemmas, licensing complaints and malpractice actions.
- Analyze the legal and ethical considerations for the treatment of minor populations in Massachusetts with regard to age of consent, confidentiality and custody concerns.
- Explain how an understanding of common boundary and dual relationship issues/dilemmas can help you maintain appropriate relationships with your clients.
- Identify the ethical challenges you should consider when responding to subpoenas that request disclosure of client records.
- Discuss the limits of confidentiality as it relates to duty to warn law in Massachusetts.
- Demonstrate how risk management strategies regarding technology can keep client information secure and avoid violating HIPAA.

Target Audience

Counselors • Social Workers • Psychologists • Case Managers • Addiction Counselors • Therapists
Nurses • Marriage & Family Therapists • Other Mental Health Professionals



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Massachusetts

Legal and Ethical Issues for Mental Health Clinicians



LIVE Interactive Webcast
Tuesday, September 29, 2020

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Massachusetts

Legal and Ethical Issues for Mental Health Clinicians

featuring **Susan J. Lewis**
Psychologist and Attorney

- Minimize litigation dilemmas, complaints and malpractice actions
- The latest updates on HIPAA and Massachusetts laws and regulations
- What every Massachusetts mental health professional needs to know!



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Massachusetts

Legal and Ethical Issues for Mental Health Clinicians

This program focuses on ethical, legal, statutory or regulatory policies, guidelines and standards that impact psychological practice and explores the manner by which clinical and ethical issues affect the everyday practice of the mental health professional in Massachusetts. This unique blend of clinical and ethical concerns allows for a more meaningful understanding and interpretation of the rules that govern mental health practice and allows the attendee to identify specific state laws that affect and govern their practice.

Through lecture, a review of references including the APA “Ethics Code” and the seminar manual with state specific policies and regulations; Dr. Lewis will prepare you for litigation issues which can put your client, your license and your practice at risk. You will learn how to structure your practice to limit exposure of risk, as well as discover record keeping practices that may help protect you in the event of a complaint. Susan will provide you with the following take-home tools to minimize risk:

- Updates on HIPAA and Massachusetts laws and regulations
- Risk management strategies
- How to minimize litigation dilemmas, complaints and malpractice actions
- Best practices in the professional relationship, informed consent and office policies

You will learn through problem solving discussions that are representative of actual ethical decisions you encounter in your clinical practice. The blending of Susan’s experience as a lawyer, work within the court system and extensive clinical experience makes her a hands-on, knowledgeable instructor!

Speaker

Susan J. Lewis, Ph.D., J.D., is a licensed clinical and forensic psychologist and lawyer. She has over 25 years of experience in clinical practice with unique populations that have included female sexual offenders incarcerated at a woman’s prison, self-injurious individuals, forensic patients and individuals who suffer from severe and persistent mental illness. In addition to clinical practice, Dr. Lewis has served in leadership roles as clinical director, program manager, and supervisor for psychiatry residents and post-doctoral psychologists.

Currently, Dr. Lewis teaches courses on Law and Ethics in Mental Health that are state specific to the laws of each state. She has also lectured nationwide on the DSM-5® and differential diagnosis. She taught courses at Harvard’s Extension School and Northeastern University on The Psychology of Criminal Behavior. She is the author of *Legal and Ethical Issues for Mental Health Clinicians: Best Practices for Avoiding Litigation, Complaints and Malpractice* (PPM, 2016) and her latest book *From Deep Within: A Forensic and Clinical Psychologist’s Journey* (2018).

A sought after consultant, Dr. Lewis works with attorneys on controversial issues such as dangerousness, competence to stand trial, criminal responsibility evaluations, and civil and criminal commitment. She works with attorneys on strategies of how mental illness might impinge on legal decision-making. Dr. Lewis has been adjudicated an expert in almost all of the district and superior courts in Massachusetts.

Speaker Disclosures:

Financial: Susan Lewis is in private practice. She receives a speaking honorarium from PESI, Inc.

Non-financial: Susan Lewis is a member of the American Psychological Association.

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Massachusetts Counselors: Application for MaMHCA/MMCEP continuing education credits has been submitted. For the most up-to-date credit information, please go to: www.pesi.com/events/detail/83638.

Massachusetts Marriage & Family Therapists: This course has been submitted for review for continuing education approval. Credit is pending.

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Psychologists: PESI, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. PESI maintains responsibility for this program and its content. PESI is offering this activity for 6.25 hours of continuing education credit. Full attendance is required; no partial credits will be offered for partial attendance. Course Level: Intermediate.

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MASSACHUSETTS LEGAL AND ETHICAL ISSUES FOR MENTAL HEALTH CLINICIANS

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