

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
 - Montana case law & danger to others
 - Montana 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
 - Montana-specific statutes
 - Montana 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

- Montana 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 Montana 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 Montana.
- 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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Montana

Legal and Ethical Issues for Mental Health Clinicians

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Monday, November 16, 2020

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Montana

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 Montana laws and regulations
- What every Montana mental health professional needs to know!

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Montana

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 Montana. 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 Montana 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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If your profession is not listed, please contact your licensing board to determine your continuing education requirements and check for reciprocal approval. For other credit inquiries not specified below, or questions on home study credit availability, please contact cepesi@pesi.com or 800-844-8260 before the event.

Materials that are included in this course may include interventions and modalities that are beyond the authorized practice of mental health professionals. As a licensed professional, you are responsible for reviewing the scope of practice, including activities that are defined in law as beyond the boundaries of practice in accordance with and in compliance with your professions standards.

PESI, Inc. offers continuing education programs and products under the brand names PESI, PESI Healthcare, PESI Rehab and Psychotherapy Networker.

Ethics: This seminar includes 6.25 hours of state specific ethics instruction. If ethics is not specified within your licensing board’s approval statement below, please contact your board to determine the applicability and amount of ethics allowed.

Addiction Counselors: This course has been approved by PESI, Inc., as a NAADAC Approved Education Provider, for 6.0 CE in the Legal, Ethical, and Professional Development skill group. NAADAC Provider #77553. PESI, Inc. is responsible for all aspects of their programming. Full attendance is required; no partial credit will be awarded for partial attendance.

Counselors: This intermediate activity consists of 6.25 clock hours of continuing education instruction. Credit requirements and approvals vary per state board regulations. Please save the course outline, the certificate of completion you receive from the activity and contact your state board or organization to determine specific filing requirements.

Montana Counselors: The Montana Board of Behavioral Health no longer pre-approves any courses or sponsors. Each licensee is responsible for taking courses which contribute to their competence and directly relate to their scope of practice as defined in board statute (MAR 24-219-32). Licensees must keep CE documentation for three years in case of an audit. This intermediate level activity consists of 6.25 clock hours of instruction.

Marriage & Family Therapists: This activity consists of 380 minutes of continuing education instruction. Credit requirements and approvals vary per state board regulations. You should save this course outline, the certificate of completion you receive from the activity and contact your state board or organization to determine specific filing requirements.

Montana Marriage & Family Therapists: The Montana Board of Behavioral Health no longer pre-approves any courses or sponsors. Each licensee is responsible for taking courses which contribute to their competence and directly relate to their scope of practice as defined in board statute (MAR 24-219-32). Licensees must keep CE documentation for three years in case of an audit. This intermediate level activity consists of 6.25 clock hours of instruction.

Nurses, Nurse Practitioners, and Clinical Nurse Specialists: This intermediate activity consists of 6.25 clock hours of continuing education instruction. Credit requirements and approvals vary per state board regulations. Please contact your licensing board to determine if they accept programs or providers approved by other national or state licensing boards. A certificate of attendance will be awarded at the end of the program to participants who are in full attendance and who complete the program evaluation.

Psychologists: PESI, Inc. is approved by the American Psychological Association (APA) 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.

Social Workers: PESI, Inc., #1062, is approved to offer social work continuing education by the Association of Social Work Boards (ASWB) Approved Continuing Education (ACE) program. Organizations, not individual courses, are approved as ACE providers. State and provincial regulatory boards have the final authority to determine whether an individual course may be accepted for continuing education credit. PESI, Inc. maintains responsibility for this course. ACE provider approval period: January 27, 2020 - January 27, 2023. Social Workers completing this course receive 6.25 Ethics continuing education credits. Course Level: Intermediate. Full attendance is required; no partial credits will be offered for partial attendance. A certificate of attendance will be awarded at the end of the program to social workers who complete the program evaluation.

Montana Social Workers: The Montana Board of Behavioral Health no longer pre-approves any courses or sponsors. Each licensee is responsible for taking courses which contribute to their competence and directly relate to their scope of practice as defined in board statute (MAR 24-219-32). Licensees must keep CE documentation for three years in case of an audit. This intermediate level activity consists of 6.25 clock hours of instruction.

Other Professions: This activity qualifies for 380 minutes of instructional content as required by many national, state and local licensing boards and professional organizations. Save your course outline and certificate of completion, and contact your own board or organization for specific requirements.

Please visit pesi.com/webcast/83958 for state-specific CE language.

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MONTANA LEGAL AND ETHICAL ISSUES FOR MENTAL HEALTH CLINICIANS

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We would be happy to accommodate your ADA needs; please call at least two weeks prior to the seminar date.

QUESTIONS

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