

Outline

INTRODUCTION AND OVERVIEW: KEY ISSUES

Understand the legal system  
Legal exposure  
Establish the treatment relationship  
Record-keeping practices  
The ethics of duty to warn/protect  
Local and national resources  
Multicultural awareness & diversity

ETHICS AND RISK MANAGEMENT: THE LEGAL PERSPECTIVE

Insurance coverage: The essentials  
Importance of documentation: It really matters!  
Tips to avoid and defend lawsuits and licensing board complaints: Practical advice  
Key risk areas: What to look out for  
Importance of peer, ethics, and legal consultation  
Responding to subpoenas: Do's and don'ts  
Working with attorneys

ETHICS AND RISK-MANAGEMENT: THE BEHAVIORAL HEALTH PERSPECTIVE

Trends in malpractice claims and ethics complaints: Ethical mistakes, ethical decisions, misconduct  
Ethical challenges and risks: Essential knowledge  
Confidentiality, privacy, privileged communication  
Informed consent  
Boundary issues, dual relationships, and conflicts of interest  
Digital, online, and remote services and relationships  
High-risk treatment and services  
Termination of services  
Defamation  
Documentation  
Impaired professionals  
Ethics consultation and ethics committees  
Handling difficult ethical judgments and decisions: Protecting clients and practitioners

Speakers

**Robert Landau, JD,** is a shareholder at the law firm of Roberts, Carroll, Feldstein & Peirce, Inc. in Providence and was the co-leader of the firm's Healthcare Group from 2012 through 2016.

Mr. Landau is a seasoned litigator who focuses his practice on defending mental health professionals, hospitals, physicians, nurses, dentists, and other health care providers in professional malpractice lawsuits and disciplinary proceedings. He has extensive experience representing social workers, mental health counselors, psychologists and other professionals before their licensing boards, frequently obtaining findings of no unprofessional conduct or administratively closing investigations. He has successfully represented clients in the state and federal courts of Rhode Island and Massachusetts.

Mr. Landau has had numerous jury trials with a significant number of defense verdicts. In addition to trying cases to juries, he handles any appellate issues that arise from his matters. He has appeared regularly before the Rhode Island Supreme Court and has a number of reported decisions. In those instances where a trial is not the best course of action, Mr. Landau has extensive experience in alternative dispute resolution. His presentations to mediators and arbitrators help clients resolve cases on favorable terms.

Mr. Landau is a graduate of Duke University, BS, *magna cum laude*, and Boston University School of Law, JD, *cum laude*. He is admitted to practice in both Rhode Island and Massachusetts. Mr. Landau was selected for inclusion on the 2012, 2015, 2016, 2017, 2018 and 2019 Rhode Island Super Lawyer list.

Speaker Disclosures:

Financial: Robert Landau is a shareholder at Roberts, Carroll, Feldstein & Pierce, Inc. He receives a speaking honorarium from PESI, Inc.

Non-financial: Robert Landau has no relevant non-financial relationship to disclose.

**Frederic G. Reamer, PhD,** has been a professor in the graduate program of the School of Social Work, Rhode Island College, Providence, Rhode Island, for over 30 years. Dr. Reamer received his PhD from the University of Chicago and has served as a social worker in correctional and mental health settings. He chaired the national task force that wrote the National Association of Social Workers Code of Ethics and recently served on the task force that added technology standards to the code.

Dr. Reamer lectures both nationally and internationally on the subjects of professional ethics and professional malpractice and liability. In addition to ethics, his research and teaching have addressed a wide range of human service issues, including mental health, health care, criminal justice, and public welfare. Dr. Reamer has conducted extensive research on professional ethics and has been involved in several national research projects sponsored by The Hastings Center, Carnegie Corporation, Haas Foundation, and Center for Bioethics of the University of Pennsylvania.

He is the author of chapters on professional ethics in the Encyclopedia of Social Work, the Encyclopedia of Bioethics, and the Encyclopedia of Applied Ethics, and is the author of many books, including: *Ethics and Risk Management in Online and Distance Behavioral Health, Risk Management in Social Work: Preventing Professional Malpractice, Liability, and Disciplinary Action; Boundary Issues and Dual Relationships in the Human Services; The Social Work Ethics Audit: A Risk Management Tool* and his latest, *On the Parole Board: Reflections on Crime, Punishment, Redemption, and Justice*.

Speaker Disclosures:

Financial: Frederic Reamer is a Professor, School of Social Work, for Rhode Island College.

Non-financial: Frederic Reamer is a member of the National Association of Social Workers.



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# Ethics and Risk Management in Behavioral Health

Join Attorney Robert Landau and Dr. Frederic Reamer as they collaborate to deliver an interactive, dynamic presentation on ever-changing ethics and risk-management challenges in behavioral health. Keeping up-to-date is essential to protect your clients and yourself. During this workshop you will gain an understanding of ethics and risk-management challenges related to:

- Confidentiality exceptions
- Privileged communication
- Documentation
- Telehealth
- Informed consent
- Boundary issues
- Recent changes to federal regulations governing confidentiality of substance use disorder patient records
- And other complex topics

Landau and Dr. Reamer will highlight ethics and risk-management challenges related to your use of technology to deliver services remotely, communicate with clients, and store records. This is a workshop you do not want to miss...as both presenters will offer practical advice from both the legal and behavioral health points of view to help you stay on top of issues that arise in everyday clinical situations.

## Objectives

1. Evaluate ethical challenges and risks in behavioral health.

2. Utilize risk management tips to prevent licensing board complaints and lawsuits.

3. Determine ethical dilemmas clinicians face surrounding use of technology to serve clients remotely, communicate with clients, and store information.
4. Apply an ethical decision-making framework to recognize, analyze, resolve or prevent ethical dilemmas in your clinical practice.

5. Employ state-of-the-art documentation guidelines and protocols.

6. Determine ethical/legal standards of care as the pertain to clinical practice.

**TARGET AUDIENCE:** Counselors • Social Workers  
Psychologists • Addiction Counselors  
Marriage & Family Therapists • Psychiatrists  
Behavioral Health Nurses • Case Managers  
Other Mental Health Professionals

**Live Webcast Schedule**  
*(Times listed in Central)*  
**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).  
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