

# LPCA

LICENSED  
PROFESSIONAL COUNSELORS ASSOCIATION  
OF GEORGIA

## Membership Information



*The Licensed Professional Counselors Association of Georgia, Inc.  
is Dedicated to the Profession and the Professionalism  
of Counselors in Georgia.*



# Welcome to the Licensed Professional Counselors Association of Georgia

Gale Macke, Executive Director of LPCA of Georgia

We appreciate your support and are pleased that you have joined this organization for professional counselors. Your membership is valued. You have joined your Georgia

colleagues to advance the LPC license and profession. LPCA of Georgia is nationally recognized as providing the “Most Outstanding Services to Members.”

Enclosed you will find the following items:

- LPCA membership certificate
- Member benefits
- LPCA Board contacts
- Liability insurance information
- *And more!*

Also available on the LPCA website, <http://www.lpcaga.org>, you will find:

- List of upcoming Continuing Education workshops
- Registry of Counselor Supervisors, CPCS, list and application
- Code of Ethics
- The Georgia Composite Board (license issuer) information
- Past issues of LPCA newsletters
- Invitation to the LPCA Annual Convention held in late spring
- *And much more!*

Please note that \$5.00 of dues paid by Clinical members is attributable to lobbying and political activities. Therefore, this portion of the dues is not deductible by you when determining your personal income tax.

We also invite you to contact your District Representative. They want to hear from you. Contact information is available online at [www.lpcaga.org](http://www.lpcaga.org), or by calling the LPCA office at 770-449-4547. Volunteers are always welcome and needed in the office and on all of the committees.



2014 Convention Theme: *Exploring Cultural Diversity*

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# Meet the 2015–2016 LPCA Board of Directors

## Executive Committee

President:	Katie Tolleson, LPC, NCC	LPCApres@mindspring.com
Immediate Past President:	Dr. Theresa Holt, EdD, LPC, CPCS	LPCA@mindspring.com
President Elect:	Galen Cole, PhD, MPH, LPC, CPCS	Galen.LPCA@mindspring.com
Treasurer:	Mark Butcher, LPC	LPCA@mindspring.com
Secretary:	Rachael Hopkins, LPC, CPCS	LPCA@mindspring.com

## District Representatives

Atlanta District Chair:	Mamie Jones, LPC	LPCAatlantaDistrict@gmail.com
Central District Chair:	Jessica Hatcher, LPC	Jessica.Hatcher@HCAhealthcare.com
Coastal District Chair:	Carlene Taylor, PhD, LPC, CPCS	drcarlene@lighthouse.org
Eastern District Chair:	Connie Wilds-Glover, LAPC	LPCA@mindspring.com
Northern District Chair:	Open	
Southern District Chair:	Nicole Cromer, LPC	Nicolec@vashti.org
Western District Chair:	Lisa King Smith, LPC	LPCA@mindspring.com

## Committee Chairpersons

Continuing Education:	Darrell Brooks, LPC, CPCS	LPCAcontinuingeducation@gmail.com
Ethics Chair:	Elizabeth Burns, LPC	LPCA@mindspring.com
Government Relations:	Susan Hoffman, LAPC	LPCA@mindspring.com
Membership Chair:	Marisa Romo, LAPC	Marisa.Romo2010@gmail.com
Newsletter:	Christine Baker, MA, LPC	LPCA@mindspring.com
Newsletter Co-Chair:	Kendra Seck	LPCA@mindspring.com
Professional Development Chair:	Suneetha Manyam, PhD, LPC	LPCA@mindspring.com
Professional Development Co-Chair:	Tom Andre, LAPC	TAndre.counseling@yahoo.com
Public Relations:	Angela Powell Smith, LPC, CPCS	LPCA@mindspring.com
Public Relations Co-Chair:	Marie O'Sullivan Montoya, LAPC	LPCA@mindspring.com
CPCS Chair:	Jeff Hughes, LPC, CPCS	LPCACPCS@gmail.com
Student Relations Chair:	Jasmine Brown	LPCA@mindspring.com
Student Relations Co-Chair:	Michael Phillips	LPCA@mindspring.com

## LPCA Office

Executive Director:	Gale Macke	LPCA@mindspring.com
Director of Member Services:	Tracy Hall, LAPC	LPCAGA@mindspring.com



**Back Row L–R:** Tom Andre, Angela Powel-Smith, Mark Butcher, Katie Tolleson, Darrell Brooks, Tim Robinson, Theresa Holt. **Front Row L–R:** Nicole Cromer, Marisa Romo, Galen Cole, Connie Wilds-Glover, Rachael Hopkins, Mamie Jones, Jasmine Brown. **Not pictured:** Elizabeth Burns, Jessica Hatcher, Susan Hoffman, Jeff Hughes, Suneetha Manyam, Marie O'Sullivan Montoya, Michael Phillips, Lisa King Smith, Carlene Taylor





2013 LPCA Annual Convention Theme

## About LPCA of Georgia

As the premier organization representing counselors in Georgia, we enhance the image and working environment of Professional Counselors by:

- Creating a nurturing association that places a focus on fostering the professional and personal growth of our members
- Ensuring and empowering the future generation of the association
- Maintaining the highest professional and ethical standards
- Providing leadership through development of legislative initiatives
- Initiating collaborative relationships based on our principles of inclusiveness and mutuality with any and all organizations vested in mental health

As counselors, we believe quality mental health care is crucial to the well-being of our clients, our community, our nation, and our planet. LPCA significantly contributes to the mental, emotional, and spiritual well-being of the public through community service projects and public education efforts. We provide our services with respect and dignity to those we serve.

## Tell People What You Do in 30 Seconds!

Licensed Professional Counselors are highly trained mental health professionals who work with people struggling with life or suffering from clinical disorders in order to help them heal, grow and achieve personal goals, so they can feel better about themselves and enjoy a better quality of life.

### VISION STATEMENT

*The Licensed Professional Counselors Association of Georgia is a dynamic, progressive organization promoting the role of Professional Counselors as leaders in mental health care.*

## All Inclusive LPCA Membership Benefits

- Free workshops for Continuing Education hours (CEs).
- Only association to offer Core CE certificates for a non-LPCA approved workshop (workshop must meet the Secretary of State Georgia Composite Board standards).
- Clinical Memberships include the Certified Professional Counselor Supervisor (CPCS) application fee.
- Annual Convention for continuing education, networking, and leisure at a greatly reduced *Early Bird* LPCA member rate.
- Registry of CPCS Certified Supervisors list online. Visit website: [www.lpcga.org](http://www.lpcga.org).
- Your professional online profile available for those looking for a counselor.
- Professional information: starting a private practice, legal information, etc.
- Discounted professional liability insurance. Visit website: [www.cphins.com](http://www.cphins.com).
- Representation at the state and national level making sure LPCs are included.
- Liaison with the Georgia Composite Board.
- Quarterly newsletter and monthly email newsletter with information, contacts and resources.
- Professional networking opportunities, monthly and quarterly meetings.
- Annual Journal, available online and on CD.
- Website with CE forms, workshops, *Find a Counselor*, membership renewal, and other great resources at **[www.lpcaga.org](http://www.lpcaga.org)**.
- Email updates on government updates and workshops.
- Legislative advocacy: protecting the legal interests of Professional Counselors in Georgia. LPCA is a state chapter of AMHCA and AMHCA is a division of ACA.
- Resources available for those working on licensure, including licensure consultations.
- LPCA Board representation from your district.
- LPCA office staffed for easy access for your organization.
- Join AMHCA. Go to <http://www.AMHCA.org>.



2008 LPCA Annual Convention Theme



## Membership Levels

There are six types of membership: Fellow, Clinical, Associate, Affiliate, Student, and Retired.

### Fellow

A clinical member who has made conspicuous and outstanding contributions to the counseling profession in treatment, research, education and/or leadership, including all recipients of the George C. Podein, Jr. Counselor of the Year Award. All past presidents shall become Fellows immediately on completion of their presidency.

### Clinical

A member who holds an LPC from the Georgia Composite Board for LPC, SW, and MFT.

### Associate

A member who holds at least a master's degree in counseling or a related field from an accredited graduate program of higher education **and is working toward licensure.**

### Affiliate

A member who is licensed in a related profession and has an interest in the work of Counselors.

### Student

A member who is currently enrolled, part-time or full-time graduate student in a counseling or related field program in an accredited institution of higher education and **is not currently eligible for Clinical or Associate membership.**

### Retired

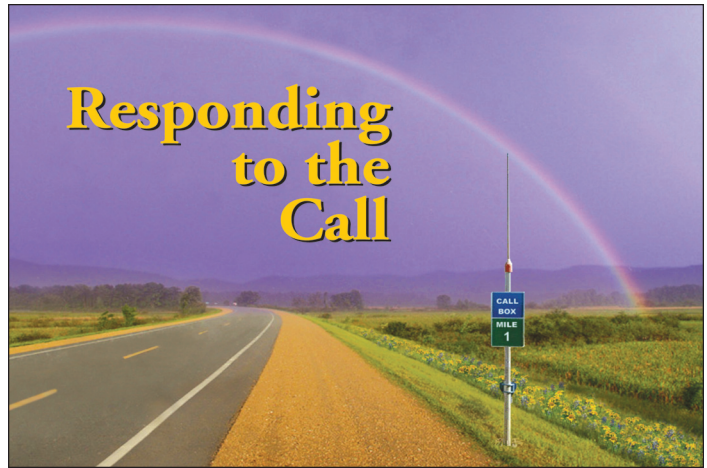
A member who is or was at some time licensed and is currently retired from the field of counseling, but wants to keep up to date on issues.

## How to View or Update Your Membership Profile Online:

Reviewing and updating your online directory profile is important, this is how potential clients can find you as well as how employers and providers can find your contact data.

1. Just visit **www.lpcaga.org** and click on *Members Only*.
2. Your last name is the Username and the Password is your phone number with the dashes unless you change it. Once you sign in, you may change your password.  
**Example**—Username: last name (no caps) Password: 000-000-0000 (phone with dashes).
3. On the next screen, click *Manage My Profile*.
4. On the next screen you have lots of options to choose to add to your profile. To add several specialties or licensure information, etc., hold down the control key and click on each one you want to add. To remove them, click on them again. Under comments, you may type in additional information about yourself that you would like the community to view and know.
5. When you are finished, please click the *Update Your Information* button at the very bottom of the page.

If you have any problems, please contact the LPCA office by email if possible at [LPCA@mindspring.com](mailto:LPCA@mindspring.com), or call us at 770-449-4547.



2012 LPCA Annual Convention Theme

## Volunteer Opportunities

***The following are Directors/Committees/Districts that need your assistance. Please contact the LPCA office to learn more and volunteer. Research proves that volunteering is the best way to give back and expand.***

**Seven District Representatives** produce several **FREE** workshops per year for members: Atlanta, Central, Coastal, Eastern, Northern, Southern, and Western (see the district map on back cover).

**Student Representative** is elected from the student membership and works hard to promote involvement/advocacy with students in counseling and other related fields and is your liaison between the students and the Association.

**Newsletter Editor** publishes and distributes the Association newsletter four times a year, which includes advertisements, placed in the newsletter/website, and shall have editorial responsibility for the newsletter's content. To submit article for publication, email: [Editor@lpcga.org](mailto:Editor@lpcga.org)

**Public Relations Chair** promotes the interests of the Association before the public, and is always looking for committee members. They will prepare media releases, set up interviews to promote Professional Counselors, and prepare promotional material for the Association.

**Membership Chair** provides information regarding the benefits of membership and assists the Student Representative in recruiting membership among students.

**Government Relations Chair** promotes the purposes of the organization before all appropriate legislative and governmental bodies. The committee monitors the State Licensure Law and any governmental or consumer activity that impacts the Association and its members.

**Continuing Education Chair** and its committee approve programs that provide continuing education core hours, ethics hours, training, and coordinates with the Annual Convention Committee and district leaders in making plans for the annual convention and district workshops.

**Ethics Chair** and its committee promotes awareness and compliance with the state and AMHCA codes of ethical and professional conduct

**Professional Development Chair** attends and promotes all LPCA and mental health events, conventions, and district workshops. Responsible for marketing and building relationships with exhibitors, sponsors, and other associations.

**Clinical Supervision Chair** and committee reviews/approves Georgia LPCs who meet requirements established by the law, rules, and who have completed the supervisor competency-based education requirements.



2010 LPCA Annual Convention Theme

## Legal Description of the Practice of Professional Counseling

### *Scope of Practice: The Law*

(as of July 1, 1993) Georgia Law: Code 43-10A-3 (10)

Professional counseling means that specialty which utilizes counseling techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, interpersonal and intrapersonal concerns; utilizes counseling and psychotherapy to evaluate, treat and recommend a course of treatment for emotional and mental problems and conditions, whether cognitive, behavioral, or affective; provided that the counselor shall have training and experience working with people with mental illness, mental retardation, or substance abuse; administers and interprets educational and vocational assessment instruments and other tests which the professional counselor is qualified to employ by virtue of education, training, and experience; utilizes information and community resources and goal setting for personal, social, or vocational development; utilizes individual and group techniques for facilitating problem solving, decision making, and behavior change; utilizes functional assessment and vocational planning and guidance for persons requesting assistance in adjustment to a disability or handicapping condition; utilizes referral for persons who request counseling services; and utilizes and interprets counseling research.



2009 LPCA Annual Convention Theme

## Certified Professional Counselor Supervisor

Visit [www.LPCAGA.org](http://www.LPCAGA.org) to download the application.  
(Application fee included in Clinical Membership)

### History behind the CPCS

The Certified Professional Counselor Supervisor (CPCS) credential was originally developed by LPCA in 1999 by the LPCA Board of Directors in coordination with its Ethics Chairperson with the intent of improving the supervision of future counselors, improving supervisor training, and providing a reliable resource for those seeking supervisors. The Georgia licensure board has encouraged the professional association to develop and implement a process of qualifying supervisors. Beginning October 1, 2018, all LPC supervisors will be required to be a CPCS.

### What is the CPCS Credential?

A professional credential that distinguishes and qualifies Licensed Professional Counselors (LPCs) who have met CPCS professional supervision standards

- Provides those looking for supervision certified professionals trained to meet their need
- Promotes the professional identity, visibility, and accountability of counselor supervisors
- Encourages the professional growth of counselor supervisors

### Supervisees: Why use a CPCS?

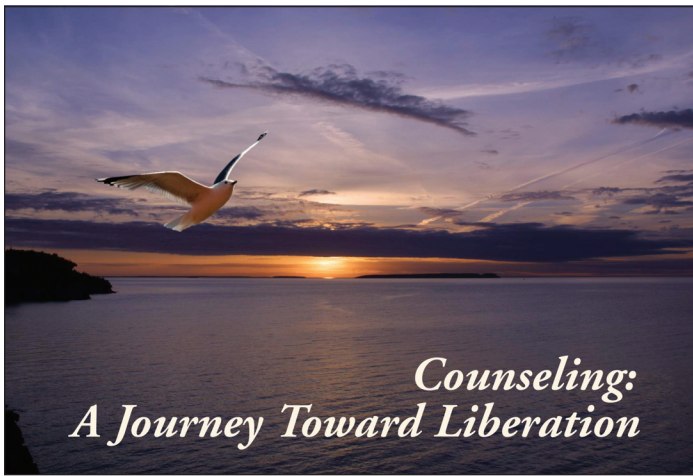
- **Professional Standards of Excellence.** Using a CPCS-credentialed supervisor provides the supervisee with a supervisor whose education, experience, and ethical guidelines exceed those currently required by the state licensure board, giving future counselors the training to become exceptional Licensed Professional Counselors.
- **Ethics Adherence.** In addition to following the Code of Ethics required by law, Certified Professional Counselor Supervisors adhere to the CPCS Code of Ethics. These standards exceed the current state licensure requirements. The CPCS Code of Ethics can be found on the LPCA website.
- **Continuing Education Requirements.** In order to be certified, a supervisor must have a minimum of 24 direct clock hours of approved continuing education (CE) workshops about clinical supervision. Trainers must meet the continuing education standards established by LPCA of Georgia. In order to renew certification, a process that occurs once every two years, a CPCS must provide proof of at least 12 additional CE hours in clinical supervision workshops.

### Supervisors: What does the CPCS Credential do for you?

The CPCS credential attests to the educational background, knowledge, skills, and competencies of the Certified Professional Counselor Supervisor. It also:

- Generates supervisee referrals for you through the LPCA website listing service, linking potential supervisees to nearby CPCSs
- Advances and attests to your professional accountability and visibility
- Ensures a state standard developed by peer professionals, not legislators
- Allows online access to verification of CPCS certification
- Will be required on October 1, 2018





2007 LPCA Annual Convention Theme

## Continuing Education Requirements

**Total Hours Needed:** 35 CE clock hours are required for all LAPCs and LPCs. Renewals are biennium (for example: 2016, 2018, 2020, etc. are renewal years). The Licensing Board states that it is the licensee's responsibility to renew the LAPC and LPC license.

**Best Practice:** Hours should be completed before June 30. If not obtained by July 1, your renewal application may not be processed before your license expires, in which case you may have to reinstate your license, retake the exam, and pay a late fee. You need to have the CEs before you renew. The renewal system does not open until approximately sometime after July 1.

**35 CE Clock Hours:** 5 Ethics (must attend in person), 15 Core, and 15 Related

- Any additional Ethics hours over the 5 required may be applied to Core hours
- Any additional Core hours over the 15 required may be applied to Related hours
- Any workshop or event approved by LPCA or NBCC are CORE hours

### Ethics: 5 Hours Minimum

- Cannot be done by independent study or online; it must be in person.
- In any specialty or allied profession (LPC, SW, or MFT)
- Additional Ethics hours may be applied to Core or Related hours

### Core: 15 Hours Minimum

- Must be in area of specialty in which you are licensed: LPC, SW, MFT
- Core courses must be sponsored or cosponsored by:
  - Professional Association of specialty in which license is held, or
  - Academic Department of your specialty, or
  - A licensing or certification board in another state or jurisdiction in the specialty

### Related: 15 Hours Minimum

- Must be in area in specialty in which you are licensed LPC, SW, MFT;
- Graduate level coursework by an academic department in any specialty listed above, or
- A licensing or certification board in another state or jurisdiction, or

- Sponsored by federal, state, or local government agencies, public school systems and licensed hospitals.

### Independent Study: 5 Hours Maximum

A maximum of 5 hours in related hours may be obtained from professional activities, such as:

- Teaching a course
- Presenting a lecture
- Conducting a workshop for the first time

## Licensure Board

**Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists**  
237 Coliseum Dr., Macon, GA 31217 (478) 207-2445

### Another Great Member Benefit—LPCA Consult for Licensure Renewal

No member of LPCA has gone into expiration. We call, email, and help process licenses.

### Summary of Continuing Education Requirements

**Every licensee, LAPC and LPC is required to renew their license every two years.** See Rule 135-9-.01 for the full requirements. Go to <http://www.sos.ga.gov> and click *Boards* tab, look for *Prof Counselors, SW, MFT* and then *Rule, Law, and Policy*. Click *Board Rules* for full listing.

### General Information

"Specialty" is Professional Counseling, Social Work and Marriage and Family Therapy. Maintain documentation (Certificate of Attendance). Your licenses may be audited. All must attest to satisfaction of CE requirements for biennial license renewal.

### LAPC and LPCs are Audited

***If you were licensed during the second half of a biennial renewal period AFTER September 30, check the date on license. It must read October 1 or later. No CEs are required for the first renewal. However, if your license was issued before October 1 you will need all 35 clock hours.***

### Audits

During the online renewal process you will be notified if you are being audited. You must submit an affidavit (forms will be on the State's website or contact LPCA for forms if you are audited) attesting to the number of CE hours completed. Keep your CE certificates in a safe, easy to access place. Don't forget to sign in at every workshop you attend.

### CE Documentation

You must document continuing education obtained during the renewal period. Do not wait to renew. You will get notices from LPCA when to start the renewal process. The Licensure Board states: "It is the responsibility of the licensee to renew on time."

### Content

Workshop Continuing Education hours will be in the following categories: Ethics, Core, or Related. *No more than 20 hours of CEs shall be from any one course, workshop, or presentation.*

### Ethics Hours

Workshops / Conventions/ Events approved by any of one of the approval bodies. **MUST BE IN PERSON.** Not online or webinars, etc.

### Core Hours

Workshops / Conventions/ Events approved by LPCA and NBCC.

### Related Hours

Workshops approved by the Social worker organizations (NBCC, AASWB, etc) and Marriage/Family (GAMFT, AAMFT) organizations are considered.

# A Brief History of LPCA of Georgia

## 1987 – GMHCA Becomes LPCA of Georgia

Dr. Chuck Goodrum, GMHCA President and American Mental Health Counselors Association (AMHCA) Georgia State Coordinator, secured financial assistance from AMHCA to establish a state affiliated association and chartered it as one of AMHCA's early members. Dr. Goodrum served as its first president from 1987 to 1990. Dedicated to promoting the profession and the professionalism of LPCs in Georgia, the organization's new name became Licensed Professional Counselors Association of Georgia. LPCA of GA is an independent organization and a state chapter of AMHCA which is a division of American Counselors Association (ACA).

## 1988 – First LPCA Convention

The first LPCA convention was held at Ridgeview Institute in Smyrna, Georgia with twenty-five attendees and established free continuing education workshops as a primary membership benefit. Today LPCA provides free continuing education workshops for licensure, expanded association and collaboration with other organizations, acts as a strong advocate to negotiate with other professional groups, and as a legislative consultant to look after LPCA interests.

## Georgia Legislature and LPCA

In 1989, at LPCA's request, Governor Joe Frank Harris proclaimed the week of May 7–13, 1989, as *Mental Health Counselors' Week* in honor and recognition of health care professionals and the vital services they render.

In 1991, also at LPCA's request, Governor Zell Miller proclaimed the week of May 5–11, 1991, as *Mental Health Counselors' Week*. This is in recognition that mental health counselors' work is a specialized field of counseling that emphasizes the developmental and adjustive nature of mental health services.

In 1995, the Georgia Legislature passed *The Privileged Communication Law*. LPCA lobbied to include LPCs in this law that would protect Mental Health Professionals in matters of professional duty. This is now in the law as the Scope of Practice Act.

In 1995, LPCA held its first Annual Legislative Breakfast. Spearheaded by LPCA's Government Relations Committee as a new innovative approach to educating legislators about LPCs, this special breakfast was first of its kind, widely received by Georgia legislators (House Representatives and Senators), and was very well attended several years running.

On February 6, 2006, at LPCA's request, Governor Sonny Perdue signed the *Mental Health Awareness Proclamation* encouraging all Georgians to work together to promote the mental health of all our residents. Also in 2006, Governor Perdue proclaimed the month of September as *Georgia Addiction Recovery Month*. LPCA supported the

efforts of Dr. Jan Ligon, LCSW who was chairman of Georgia Composite Board of LPC, SW and MFT, and Past President of NASW-GA.

On October 11, 2008 at LPCA's request, three mental health professional organizations, LPCA of GA, NASW-GA and GAMFT, collaborated in resolution in support of the Governor's plan to reorganize Georgia social service agencies into three new departments.

On May 1, 2014, Governor Nathan Deal declared the month of May *Mental Health Awareness Month* by signing the LPCA Proclamation promoting the mental health of all our residents and encouraging all to use Licensed Professional Counselors.

## National Awards

In 2002, LPCA of GA received national recognition at the Annual Conference of the American Mental Health Counselors Association (AMHCA) by becoming the proud recipient of an award for *Outstanding State Chapter*. LPCA of GA was credited with over 500 members and exemplary service to consumers and membership.

In 2004, LPCA of GA received a national award, *Outstanding Service to Members, Large State Chapter*, at the AMHCA Annual Conference, with LPCA's membership of over 1,600 members.

In 2008, LPCA of GA received the premier national distinction by the American Mental Health Counselors Association (AMHCA) as the *Most Outstanding State Chapter Association*. LPCA of GA was recognized for its exemplary service to members, most extensive member benefits, most active advocacy group, and largest membership of over 2,600 Professional Counselors.

In 2014, LPCA of GA received the "Most Outstanding State Chapter Award" for exceptional services to members, with over 4,800 members by the American Mental Health Counselors Association.



2015 LPCA Annual Convention Theme



# LPCA Money Saving Benefits

## Professional Insurance Discounts



1-800-875-1911  
www.cphins.com

## Personal Insurance Discounts



1-800-368-2734  
www.geico.com/disc/lpca

## National Board of Forensic Evaluators



1-386-677-9995  
www.nbfe.net

## Website Design Discounts

therapysites  
More than just a website.

1-866-288-2771  
www.therapysites.com

## LPCA Newsletter and Website for Current News and Important Information



**Want to advertise with LPCA? Call us at 770-449-4547.**

# The ABCs of Counseling

Courtesy of CPH & Associates, Leslie Steele, JD

**A Advertising** that one has been “in practice for ten years,” when in fact the person has been licensed for two years but has included the time period that he or she was in an educational program or gaining hours of experience toward licensure, may be viewed by some, including a licensing board, as misleading. Therapists and counselors must always be aware of the representations they make to others (the public) in writing.

**B Barter**—professional association ethical standards differ on how they address the issue of barter, so be sure to read the ethical standards that apply to you (and any applicable law or regulation) and be sure that you are aware of the possible “danger zones.” One such danger zone may be entered when the patient or client performs personal services for the practitioner in exchange for the counseling or therapy performed by the practitioner.

**C Confidentiality** is the cornerstone of psychotherapy and counseling, but the exceptions are many. One of the most important exceptions to confidentiality in California and other states, and under the HIPAA regulations (which patterned much of their provisions on California law), is that a signed authorization is not needed when a health care provider communicates with another health care provider for purposes of diagnosis or treatment of the patient.

**D Defending yourself** in a criminal case (e.g., drunk driving, unlawful possession of drugs, petty theft) or in a malpractice lawsuit or a licensing board action, is your right and it should be protected by hiring competent counsel to represent you. In criminal cases, avoiding the conviction of a crime, if feasible, is critical, since licensing boards can often use the conviction as evidence against you in a disciplinary proceeding based solely on the conviction. Pleading “no contest” is generally considered to be a conviction.

**E Evidence** in a lawsuit consisting of a therapist or counselor’s testimony or the production of the treatment records of the patient may be sought in a variety of circumstances. Unless the practitioner is notified in advance, the first indication that such evidence will be sought may be in the form of a subpoena. The first thought that the practitioner should generally have upon receipt of the subpoena, is to protect the “psychotherapist-patient privilege. The practitioner’s testimony or records should generally be protected from disclosure and discovery in the lawsuit (unless the privilege is waived by the patient or by operation of law).

**F Fees**—sliding fee scale? Do you “slide up” from your usual and customary fee when there is an insurer who will be paying for your services? Such action can be viewed or argued as insurance fraud. I have often said that if one has a sliding fee scale, they should slide down from their usual and customary fee.

**G Guardians** generally have the same right to access patient records as does the adult patient. While it may not occur too often, therapists and counselors must sometimes be familiar with the particular requirements that would allow the practitioner to deny access to the guardian or to prepare a summary in lieu of the actual record, such as when the patient does not want the guardian to see the actual records.

**H Health care records** must be kept and maintained as specified in state law or regulation. Some states are specific as to how long records must be kept, while others may allow for some flexibility, or provide no specific time requirement. What if a former patient asked the practitioner

to destroy his records in order to protect his privacy because of the nature of the embarrassing and personal disclosures made and recorded? Suppose that the request occurs three years after treatment ends and the patient is willing to sign a statement that indicates that this destruction was done at his request and that he has been informed of the possible consequences regarding future health care and the lack of prior treatment records. Can the patient/consumer be accommodated in your state?

**I Immunity from liability** is granted by state law for specific purposes. Each state may have a variety of laws that provide immunity for therapists or counselors in dangerous patient situations, in child abuse reporting situations, and under elder/dependent adult abuse reporting laws. Also, some states may provide immunity from liability for those practitioners who serve on ethics committees or peer review committees under some circumstances and with certain limitations.

**J Joint legal custody**—who can authorize treatment of a child? Either parent? Both parents? Does the court order specify that the consent of both is required in order to treat, or does it specify that the parents must consult with one another before obtaining healthcare for the child? Is there a law in your state that requires the practitioner to have the written consent of both? These are some questions that must be asked. There are times, in many states, where consent of only one of the joint custodians is necessary or appropriate.

**K Keeping records**—are you a HIPAA covered provider? If yes, you likely keep your “psychotherapy notes” separate from the rest of the patient’s treatment records. For those who are not HIPAA covered providers, you probably keep one set of records, unless state law makes a similar distinction to that made under HIPAA—that is, that the patient is not entitled to access “psychotherapy notes.”

**L License renewal**—a yawner? Not for some! Do not allow your license to lapse as a result of negligence or oversight. There is no excuse—usually! There can be unintended and negative consequences for someone who treats a consumer while not possessing an active license.

**M Malpractice** in the form of negligence can lead to civil liability. But, does it give a licensing board the authority to take action against you? Generally, “no,” but state laws and regulations must be checked in each instance. Generally, only gross negligence, repeated or multiple acts of negligence, or intentional misconduct is actionable by licensing boards.

**N Never allow** your malpractice/liability insurance to lapse. Just when you least expect it, a problem may arise. As with your license, the expiration date must be calendared appropriately. Do not rely upon notice from the licensing board or from insurer. I have spoken with therapists who said that they did not get a renewal notice. Sometimes, they neglect to tell me that they have recently moved and that they did not notify the insurer or others.

**O OCR** (Office for Civil Rights)—just in case you ever receive an unexpected letter from OCR, which is part of the U.S. Department of Health and Human Services, they are the enforcement arm for HIPAA violations. If you are not a “covered entity” under HIPAA regulations, OCR has no jurisdiction to take action against you for an alleged violation.



**P Privilege** and confidentiality are not the same things. Can you articulate the differences between the two legal concepts and explain them to patients? Simply stated, and as a start to the explanation, confidentiality is a restriction on the sharing or volunteering of information outside of the courtroom setting, while privilege involves the right to withhold testimony or records in a legal proceeding.

**Q Quickly** (immediately) send your malpractice carrier copies of any demands, notices, summonses, or legal papers that you receive in connection with a claim or suit that may have been filed against you. You must also promptly notify the malpractice carrier when a claim is made or a suit is brought against you (the insured).

**R Rely on your instincts** when you think about declining to commence treatment with a patient. Sometimes, the best decision you can make is to decline to see a patient or client that your instincts tell you may be trouble.

**S Spousal abuse**—is it reportable by a therapist or counselor? The answer of course depends upon state law. In California, for example, there is no requirement for a psychotherapist in private practice to report spousal abuse, unless the spouse being abused is considered a “dependent adult” or an “elder.”

**T Terminating** therapy or counseling: I have often suggested that the first instinct of a therapist to write a termination letter (with no prior notice to the patient) should be given more thought. Once you write the letter, you are stuck with the words—so the letter better be very carefully drafted if one is to be sent. Sometimes, and depending upon the circumstances, it might be better to do the termination in person or after a phone conversation. Thereafter, the letter can be sent confirming what was said in the personal or telephonic interaction.

**U Understand** that documentation of your records is especially important when you make important decisions like changing the nature or course of therapy, or when making a decision regarding the patient’s dangerousness and the actions that you have decided to take.

**V Victims** of violent crimes may be entitled to compensation through a state entity that provides funds, often derived from court-assessed penalties for those convicted of certain crimes, to cover out-of-pocket expenses for medical care, including payments for psychotherapy provided by specified providers.

**W Waiver** of the psychotherapist-patient privilege generally occurs as a matter of law when the patient shares the otherwise confidential information with a third party (e.g., telling a friend about communications between the patient and the therapist) or when the patient tenders (or puts into issue) his or her mental condition in a lawsuit (e.g., claims emotional or psychological harm as a result of the defendant’s negligent conduct). Depending upon the particulars of state law, the practitioner generally will assert the privilege on behalf of the patient until the patient and the patient’s attorney make clear that the privilege is being waived, whether as a matter of law or otherwise.

**X Ex-patient**...is there such a thing? Is there a duty to see someone in therapy or counseling whom you have seen before? Do you owe any duty to someone after a proper termination has occurred? Do you agree with the saying, “once a patient always a patient?” When you stop seeing your physician after the broken bone is repaired, is there a termination of the doctor-patient relationship? Do you typically receive a termination letter following a course of medical treatment?

**Y Youthful** patients are also entitled to confidentiality, at least to a certain extent—depending upon applicable state law. In California, for example, minors who are twelve or over (with limited exception) have the same expectation of confidentiality as do adults. Parental rights to inspect or copy records are rather limited, and the law favors good faith denials of access by parents.

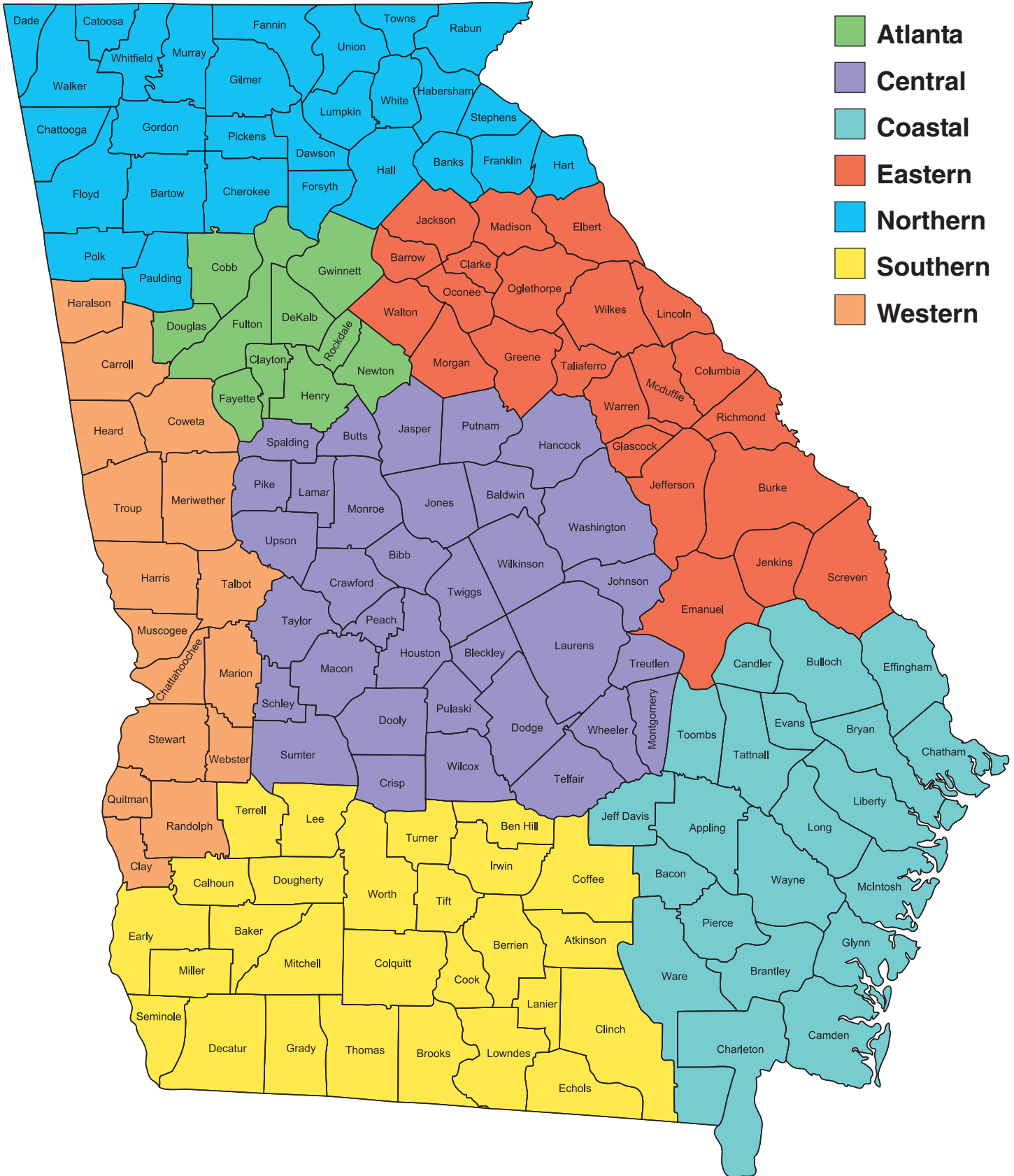
**Z Zero tolerance** for sexual relations or sexual contact with patients. As I have said to workshop attendees, you can have sexual relations with anyone in the world except minors and patients. Isn’t that enough?

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