

## **SIX RED FLAGS OVER PSYCHOLOGY PRACTICE**

By Dr. Bob Woody

Being concerned about getting started in practice, the early-career psychologist is sometimes tempted to get involved with clients who are problematic. As one's career progresses, there is usually recognition that certain clients present elevated risks, as could lead the psychologist to be unable to maintain clinical control. All too often, then, the outcome is the noncompliant client's issuing threats to the psychologist and making complaints about the psychologist to other practitioners, a professional association's ethics office, a state licensing agency, and/or the legal system. Needless to say, it is likely that there will be damage to the psychologist's career.

At every stage of career, from the beginning to end, the psychologist should heed the "red flags" that are waving. This article identifies six of the warnings that have been evidenced in complaint cases to which I have provided legal services. For modern psychological practice, it is axiomatic that:

The practitioner must be competent to provide the type of treatment or service needed by the particular client;

All services must be in accord with professional standards and ethics, as well as the laws and administrative code rules pertaining to the jurisdiction;

A well-formulated treatment (or service) plan must be established, monitored, and maintained; and

Every communication between the client and the psychologist (and support staff), whatever be the modality (e.g., sessions, telephone calls, exchange of pleasantries in a supermarket), must be documented, and safeguarded with the requisite confidentiality.

Both practice standards and legal sources declare that there can be no exceptions, regardless of reasons or pleadings voiced by the client or fancied by the psychologist.

### **Red Flag Number 1: Clinging to Past Training**

It should be recognized that the behavioral sciences advance constantly and a psychologist is obligated to stay abreast of new knowledge and develop empirically based skills. The knowledge and skills developed in graduate training, even if just a few years in the past, are not assuredly useful today or tomorrow. The continuing education mandated for license renewal attests to the principle of staying up to date. In addition to the mandated continuing education, the prudent psychologist will constantly study journals and books, including for the primary topics that were gained during graduate studies as well as new topics or changes in areas that have not previously been cultivated

(e.g., gain familiarity with revisions of tests, obtain supervision for old and newly developed interventions strategies, and do not adopt any idea or practice that lacks a substantial amount of behavioral science research or is not empirically based).

### **Red Flag Number 2: Be Too Busy**

Maintaining competence requires time. Whether it is thoughtful analysis of an ongoing case, cautious evaluation of a new client, or monitoring the administration of the practice, there must be adequate time. Allowing one's schedule to be overloaded creates a slippery slope to inefficiency and nonprofessional conditions and conduct.

### **Red Flag Number 3: Allow Associates and Staff Members to Be Autonomous**

Although it is reasonable to allow some degree of self-determination by colleagues, the fact remains that associates (even those who are fully licensed) and staff members (even those who have been employed for many years) have the potential for conduct that will impose vicarious liability on the psychologist. Much like competence requiring time, risk management requires time for prudent supervision of all persons within the scope of practice. The term "due diligence" is a clear marching order for the psychologist who has professional associates or staff members.

### **Red Flag Number 4: Do Not Have Essential Facilities, Equipment, and Support Services**

Due to declining funding for psychological services (e.g., managed care, great competition from the plethora of mental health practitioners), some psychologists cannot financially afford the minimal accouterments of a professional practice. Indeed, it is a collision course to attempt to operate without a soundproofed office, a FAX machine that is secured (i.e., not shared with others), a personal e-mail account (i.e., not accessible by family members or others), and a copier. Relying on earlier versions of tests, instead of the most up to date versions, cannot be justified. Not having a secretary, a transcription service, or time to keep detailed and meaningful clinical notes and other records, portends of malpractice. Anytime "I can't afford it" is applied to an essential factor aligned with facilities, equipment, or services, it is cause for the psychologist to recognize that the practice should not continue, and consideration must be given to other employment alternatives (e.g., associating with another practice that is well established). Regrettably, this may even mean ceasing to practice until an appropriate opportunity arises.

### **Red Flag Number 5: Operating Without Policies**

Quality care and risk management support that: (1) from the outset, comprehensive policies should be made available to the client and significant others; and (2) the psychologist must not deviate from them. The policies will prescribe the "ground rules"

for the provision of services. At the very least, the policies should address: specific fees and payment arrangements; “no show” for and cancellation of an appointment; confidentiality (e.g., exceptions for mandatory reporting of abuse and neglect, as well as subpoenas and court orders); client rights (e.g., as per HIPAA, state laws, and professional standards and ethics); strict adherence to the treatment plan; boundaries for the therapeutic relationship; criteria for termination; handling of legal process (e.g., a subpoena or court order); and the fees for the psychologist’s participation in any legal proceeding. It is foolhardy for the psychologist to fail to have comprehensive policies that are promulgated to every client and significant other.

### **Red Flag Number 6: Make Special Concessions to a Client**

For professionalism to offer a protective cloak to the client and psychologist alike, a psychologist must maintain: (1) boundaries in the professional relationship; and (2) clinical control of every aspect of services provided to a client. It is a harbinger of doom for professionalism for a psychologist to make an exception for a particular client (e.g., scheduling an appointment at a time when the psychologist is not generally available, meeting a client in other than the office, allowing any informal condition, or making any arrangement, including an opportunity or benefit, for a client that is not consonant with the treatment plan).

Whether an early-, a middle-, or a late-career practitioner, professionalism necessitates quality care and risk management. Prudence and competence should be the controlling forces. When a red flag is waving, the warning must be heeded and corrective action taken in a decisive manner.

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