TOPICAL WEBINAR FOR APA MEMBERS

An Educational Resource from American Professional Agency.

Staying Within Your Scope of Practice:

Understanding Professional Boundaries from a Risk Management Perspective

September 13, 2024



PAID FOR BY

American Professional Agency
LEADERS IN MENTAL HEALTH LIABILITY INSURANCE

DISCLAIMERS

Allison Funicelli and Cara Staus both have working relationships with Allied World, underwriter for the American Professional Agency. As such, they have a financial and intellectual interest in the content. The purpose of this presentation is to provide a balanced view of defining professional boundaries and staying within your scope of practice.

APA does not endorse any products or services. The content was created by the risk management experts at Allied World and does not reflect the views of APA or its editorial staff. Email advertising@apa.org to learn more.

The information in this topical webinar will be from a risk management perspective and not from a clinical perspective. This presentation does not constitute and should not be relied upon as legal or clinical advice and should not be used as a substitute for obtaining personal legal or clinical advice and consultation prior to making decisions.

ATTENDANCE

- No CE credit will be offered for this webinar.
- A “Certificate of Attendance” will be emailed to live attendees only.
- You must attend for 45 minutes to receive the certificate.

RECORDING

- A recording of this presentation will be emailed to everyone in 2 weeks' time.
- The recording will include the presentation slides.

HAVE A QUESTION?

- You are on mute. Communicate using the **Q&A box** in the webinar screen. Submit your questions for our speakers using the Q&A box.
- Presentation slides will be posted in the **chat box** of your webinar screen.





Allison Funicelli



Cara Staus

PRESENTERS

Allison Funicelli, MPA, CCLA, ARM, CPHRM, DFASHRM
Assistant Vice President, Risk Management Group, *AWAC Services Company*, a member Company of Allied World

Cara Staus, CPHRM, FASHRM
Assistant Vice President, Risk Management Group, *AWAC Services Company*, a member Company of Allied World

Objectives

- Understand what constitutes a boundary crossing or violation
- Identify the ethical, legal, and risk management issues related to boundary crossings and violations
- Examine liability issues and identify risk reduction strategies by exploring best practices to minimize professional liability claims
- Discuss strategies to help psychologists avoid ethical and legal boundary crossings and remain within their scope of practice

Definition – Boundary

"In psychotherapy, an important limit that is usually set by the therapist as part of the ground rules in treatment. Boundaries may involve areas of discussion or physical limits, which are guided by ethical codes and standards. Respect for boundaries by both the therapist and client is an important concept in the therapeutic relationship."

Source: American Psychological Association. APA Dictionary of Psychology. Boundary. Updated on 04/19/2018. https://dictionary.apa.org/boundary

Definition – Boundary Issues

- "Ethical issues relating to the proper limits of a professional relationship between a provider of services and their patient or client, such that the trust and vulnerability of the latter are not abused."[i]
- Boundary issues may result in boundary crossing (a deviation from classical therapeutic activity that is harmless, non-exploitative, and possibly supportive of therapy itself).[ii]
- Boundary violations are harmful or potentially harmful to the patient or others and the therapy provided.[ii]

[i]Source: American Psychological Association. APA Dictionary of Psychology. Boundary Issues. Updated on 11/15/2023. https://dictionary.apa.org/boundary-issues

[ii]Source: Aravind VK, Krishnaram VD, Thasneem Z. Boundary crossing and violations in clinical settings. Indian J Psychol Med. 2012 Jan;34(1):21-4.doi: 10.4103/0253-7176.96151. PMID: 22661802; PMCID: PMC3361837. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3361837/

Situations in Which Boundaries Can Be Challenging

- Dual Relationships
- Treating Multiple Family Members
- Custody / Divorced Parent Situations
- Social Media / Confidentiality
- Email / Text
- Intrusive Patient Behaviors

Dual Relationships

- Family
- Friends
- Social Acquaintances
- Personal Business Relationships
- Students



This Photo by Unknown Author is licensed under CC BY

Treating Multiple Family Members

Case Scenario

Dr. Smith was seeing 12-year-old Sally for treatment of anxiety and oppositional defiant disorder. A year later the patient's mother began expressing marital issues and requested to be seen by Dr. Smith who agrees to see her, as he treats both children and adults. Upon reflection, Dr. Smith reconsiders treating both, the child and her mother, when the mother expresses the child's behavior is impacting her marriage.

Treating Multiple Family Members

Case Scenario

Dr. Jones is treating John, a married adult male, for anxiety and depression. While treating John, his wife asks Dr. Jones to also see her for anxiety and marital related issues.

What issues need to be considered?

Treating Multiple Family Members



Informed Consent



Clear Expectations



Confidentiality



Documentation

Custody

- Obtain Custody Agreement
- Remain Neutral Between the Parents
- Requests for Subpoenas / Court Orders / Affidavits / Support Letters
- Understand Your Role

Social Media / Impact on Privacy & Confidentiality

- Professional Use
- Personal Use
- Patient Friend Requests
- Online Reviews



This Photo by Unknown Author is licensed under CC BY

Social Media Uses

Personal

- Communicating with friends/family on personal social media page
- Hobby related chat groups
- School alumni activities

Professional

- LinkedIn
- Podcasts
- Blogs
- Social media platforms
- Professional office practice website

Mixing Personal / Professional

- Professional page on same social media platform as personal page
- Comments open to patients on personal social platforms
- Friending patients on social media post discharge

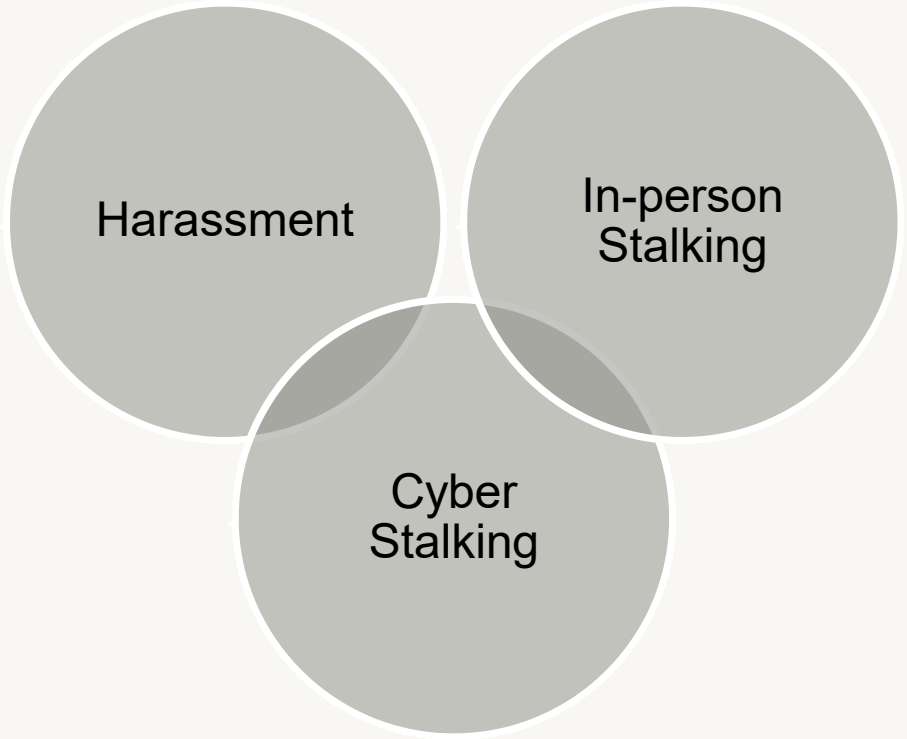
Social Media – Online Reviews

- Comply with HIPAA, state and federal privacy regulations
- Follow the APA Ethics Code Standards on confidentiality, advertising, and other public statements (section 5)
- Consider not responding / acknowledging reviews
- If necessary, respond in a neutral manner
- Failure to comply may result in significant fines, penalties and license implications

Email/Texting

- Set Expectations/Create a Practice Policy
- Limit Texts to Cancel/Confirm Appointments
- Avoid Detailed Discussions through Email
- Use Encryption/Secure Patient Portal
- Inform Patients of Expected Response Time
- Avoid Personal/Social Texts

Intrusive Patient Behaviors



- Set Boundaries / Discuss Behavior
- Contact Authorities
- Document Details
- Consider Possible Termination

Source: American Journal of Psychotherapy. Risk Management with Clients Who Stalk, Threaten, and Harass Mental Health Professionals. 2018. https://psychiatryonline.org/doi/full/10.1176/appi.psychotherapy.20180034

Definition- Scope of Practice

- Scope of practice (SOP) refers to the range of knowledge, skills, and experience a healthcare professional possesses, as well as the tasks and activities they engage in as part of professional duties.
- The primary purpose of “Professional Practice Guidelines” is to educate, to facilitate competence (Wise et al., 2010), and to assist the practitioner in the provision of high-quality psychological services by providing well-supported practical guidance and education in a particular practice area.

Source: American Psychological Association, Professional Practice Guidelines December 2015 https://www.apa.org/practice/guidelines

Source: National Library of Medicine. How can scope of practice be described and conceptualized in medical and health professions? https://pubmed.ncbi.nlm.nih.gov/37434288/

Boundaries of Competence

Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence:

- Education
- Training
- Supervision
- Consultation
- Study
- Professional Experience

Source: American Psychological Association, Ethical Principles of Psychologists and Code of Conduct. https://www.apa.org/ethics/code

Boundaries of Competence

- Coaching v. Therapy
- Forensic Expert vs. Treater
- Supervision
- Writing Letters
- Outside Area of Competence/Expertise

Source: American Psychological Association. Common ethical missteps. March 2020. https://www.apa.org/monitor/2020/03/ce-corner-missteps

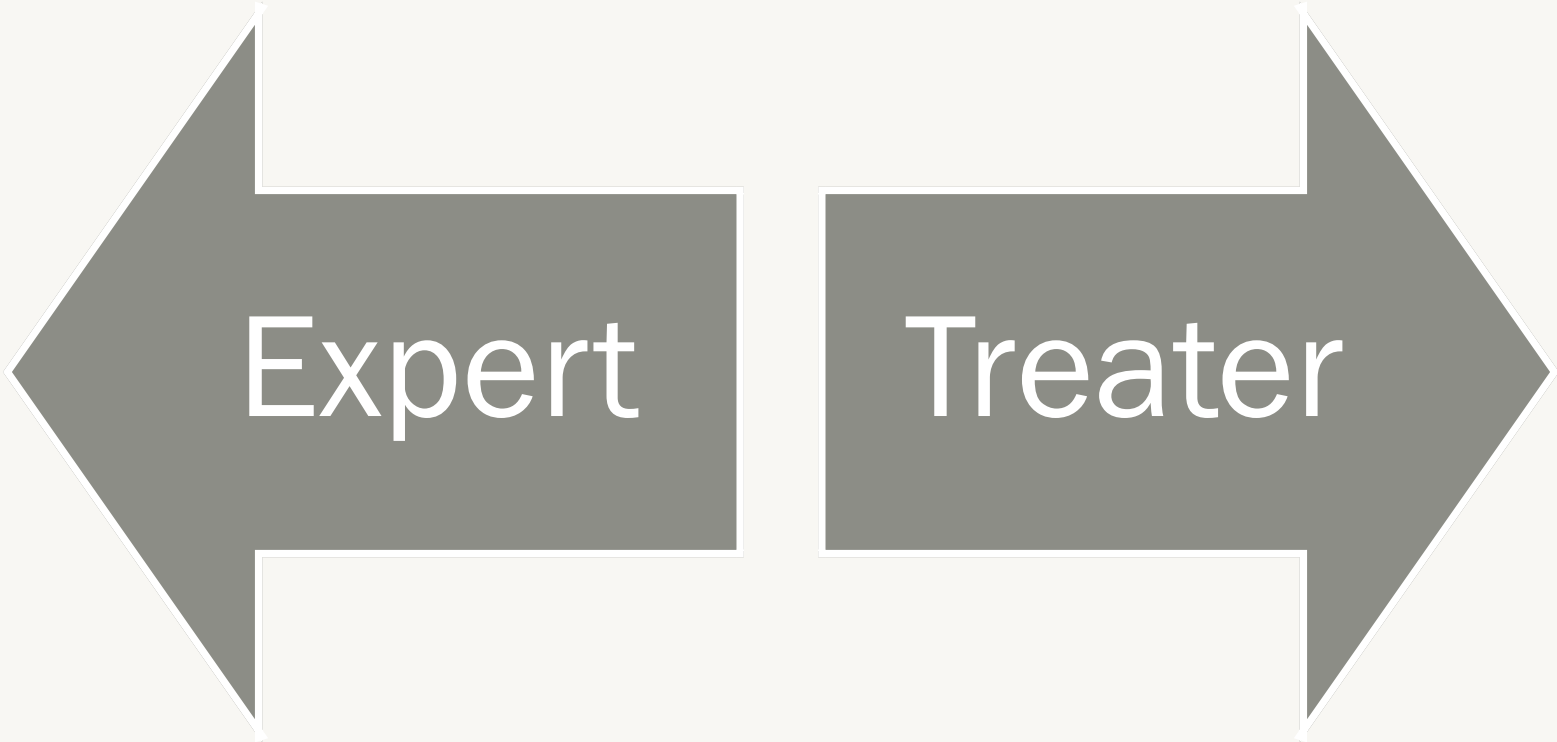
Coaching v Therapy

NO LICENSING REGULATIONS

DUAL RELATIONSHIP?

QUALIFICATIONS/ CERTIFICATIONS

Expert v Treater



Supervision

- Understand Federal and State Laws
- Written Agreement
- Competence, skill and knowledge
- Avoid Multiple Relationships

Source: https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/supervision_guidelines_for_h.pdf

Writing Letters



Purpose



Scope



Consent



Objective

Outside Area of Competence/Expertise



Source: American Psychological Association. Practice Guidelines Pharmacological Issues. https://www.apa.org/practice/guidelines/pharmacological-issues

Risk Mitigation Tips

Adhere	Create and Adhere to office policies
Avoid	Avoid a dual relationships/treating multiple family members
Consider	Consider your level of competence/expertise
Follow	Follow all state and federal laws
Be Aware	Be aware of HIPAA
Consider	Consider patient termination from the practice for repeated or extreme boundary crossing

Risk Mitigation Tips

Create	Create clear boundaries
Avoid	Avoid a dual relationship
Document	Document decisions clearly
Understand	Understand Professional Guidelines and Standards
Clearly	Clearly define supervisory roles and expectations
Consult	Consult an attorney or risk management professional

Resources

- American Psychological Association. APA Dictionary of Psychology. Boundary. Updated on 04/19/2018. https://dictionary.apa.org/boundary
- American Psychological Association. APA Dictionary of Psychology. Boundary Issues. Updated on 11/15/2023. https://dictionary.apa.org/boundary-issues
- Aravind VK, Krishnaram VD, Thasneem Z. Boundary crossing and violations in clinical settings. Indian J Psychol Med. 2012 Jan;34(1):21-4.doi: 10.4103/0253-7176.96151. PMID: 22661802; PMCID: PMC3361837. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3361837/
- American Journal of Psychotherapy. Risk Management with Clients Who Stalk, Threaten, and Harass Mental Health Professionals. 2018. https://psychiatryonline.org/doi/full/10.1176/appi.psychotherapy.20180034

Resources

- American Psychological Association, Professional Practice Guidelines December 2015 https://www.apa.org/practice/guidelines
- National Library of Medicine. How can scope of practice be described and conceptualized in medical and health professions? https://pubmed.ncbi.nlm.nih.gov/37434288/
- American Psychological Association, Ethical Principles of Psychologists and Code of Conduct. https://www.apa.org/ethics/code
- American Psychological Association. Common ethical missteps. March 2020. https://www.apa.org/monitor/2020/03/ce-corner-missteps
- Association of State and Provincial Psychology Boards. Supervision Guidelines for Education and Training Leading to Licensure as a Healthcare Provider. August 2015 https://cdn.ymaws.com/www.asppb.net/resource/resmgr/guidelines/supervision_guidelines_for_h.pdf

Resources

- American Psychological Association. Practice Guidelines Pharmacological Issues. https://www.apa.org/practice/guidelines/pharmacological-issues

After the presentation, please direct additional questions to our email address at riskmanagement@awacservices.com

For your insurance needs, contact the APA-Endorsed Professional Liability Program American Professional Agency, Inc. at 800-421-6694 or psychology@americanprofessional.com

AUDIENCE Q&A

FINAL THOUGHTS

- A recording will be emailed to you in 2 weeks. It will include the presentation slides.
- Take our survey immediately after the webinar has concluded.

THANK YOU!

PAID FOR BY

