



Oregon Psychological Association Webinar Series

Legal and Ethical Update

PRESENTED BY
Paul Cooney, JD, and David Madigan, JD;
with audience Q&A



Register online at
www.opa.org

4 HOURS OF CEU

Friday
OCTOBER

28

9:00 am – 1:00 pm

Workshop Description

In this facilitated question and answer session, Paul Cooney and David Madigan will discuss common underlying themes in board complaints, trends in ethics and practice, and provide insights on how to handle common and complex issues as they arise in multiple stages of therapy. There will be additional opportunities for audience questions, time permitting.

Speakers

Paul Cooney, JD



Paul Cooney is a healthcare attorney who has been in practice for 30 years. Mr. Cooney is a partner at Cooney, Cooney and Madigan, LLC where he specializes in healthcare. He represents a wide variety of healthcare professionals in all aspects of

their practice. Mr. Cooney is General Counsel for the Oregon Psychological Association and the Oregon Counseling Association. He represents mental health professionals in Board licensing and discipline matters and general business matters. He is licensed to practice in both Oregon and Washington and is a frequent speaker on legal issues and risk management.

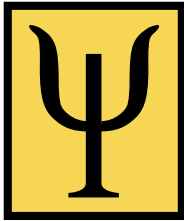
OPA has a new registration option. If you are unable to attend virtually the day of the webinar, you can now register to receive a link to the recording of the webinar which will be emailed to you approximately one week after the webinar concludes.

David Madigan, JD



David Madigan is a healthcare attorney who has been in practice for 21 years. Mr. Madigan is a member of Cooney Cooney & Madigan, LLC, where he represents a wide variety of healthcare professionals in all aspects of their practice. As a healthcare

attorney, his practice focuses on defending Board complaints, advising healthcare practices on state and federal regulations, including Medicare, HIPAA privacy and security compliance, and data breach investigations and defense, antitrust, EMTALA and Stark regulations as well as setting up group practices. He is licensed to practice in both Oregon and Washington. He is a frequent speaker to healthcare providers on issues pertaining to Board discipline, HIPAA privacy and security compliance, insurance audits, and law and ethics relating to medical and mental health providers and risk management.



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Learning Objectives

Requests for Records

- Do I have to send records? – client signed authorization – Do I have to comply?
 - Exceptions: serious physical injury, pending child abuse investigation?
- Enforcement actions for not sending records
- How to comply with Oregon patient access to records laws
- OPEN Note is the trend....write your notes as if someone will read them
- What fee can I charge for records? (paper vs electronic)
- Subpoenas – How to comply
- Minor's records – which parent can request my file?

Charting Tips

- Chart as if the client will read your note
- SI/HI require more than a checkbox
- Safety Plan documented with copy in the chart
- Multiple relationships – Informed Consent

COVID

- COVID Informed consent language
- Oregon Current Masking requirements for healthcare workers
- OBOP rule on Gov Orders
- OHA rules
- Exceptions?

Patient Termination

- Document discussions leading up to termination
- Document if patient terminates with you.
- Post Termination contact
- Terminating with a disruptive/threatening client

Health Plans

- How to collect back payments
- Documentation is the key
- "So far so good" is not a strategy - recoupment
- How to prepare for an audit?
- How to appeal an audit result

Termination with a Health Plan

- Can negotiate with your plan?
- Where is my contract?
- What notice must I give to the insurer and clients?
- Client considerations

Practicing Across State Lines

- You must be licensed where the client is physically located at the time of the session
- Check other state/Country for temporary licenses or temporary permits
- When in doubt, say no.
- Crisis calls OK

Board Complaints

- Board complaint defense
- Boundary Crossings: be thoughtful, consult, be prepared (document)
- Talk to an attorney
- Gather all documents related to treatment (including emails, texts, etc)

Abuse Reporting

- Child abuse
- Elder Abuse
- Developmentally disabled abuse
- Domestic Violence

Retirement

- Notifying clients, health plans and licensing boards
- End of office lease considerations
- Document storage. How to do it safely related to treatment (including emails, texts, etc)

OREGON PSYCHOLOGICAL ASSOCIATION

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