



Oregon Psychological Association

Continuing Education Workshops

October 19, 2018

A Legal and Ethical Update for Mental Health Practitioners in Oregon

Presented by Paul Cooney, JD and David Madigan, JD
OMEF Event Center (Oregon Medical Education Foundation)
11740 SW 68th Parkway • Portland, OR 97223

Registration 8:30 – 9:00 am • Workshop 9:00 am – 4:00 pm
With one hour for lunch (provided) • 6 CE hours • CE credit level 2

Workshop Description

Managing risk is an important aspect of operating a mental health practice in Oregon. Join two attorneys as they share experiences from their combined 40 years of representing mental health professionals. We will discuss the important factors in making informed decisions including legal and ethical considerations as well as the potential risks and benefits to both the patient and the therapist. During our discussion, therapists will be encouraged to share what works effectively in their practice, as well as what problems they have faced. Bring your questions and we will do our best to find the answers. Benefit from both the mistakes and best practices of other therapists from around Oregon and join the discussion which will include:

- New Forms - Updating your practice documents
- How to protect digital information
- Who can access your chart
- How to use informed consent effectively
- How to survive an insurance audit
- How to respond to board complaints and lawsuits
- Special rules related to treating minors
- Abuse reporting – Oregon is a little different
- Business aspects of your practice including leases and employment contracts

Workshop Objectives

At the completion of this workshop, participants should be able to:

- Assess treatment and documentation issues when faced with a suicidal patient.
- Analysis of what is allowed regarding Tele-Mental health.
- Describe abuse reporting obligations in Oregon.
- Assess what insurance companies expect to see in documentation.
- Analyze what risks are associated with digital information and how to protect that information.
- Prepare to respond to breaches of protected health information.
- Describe the process associated with Board complaints and how to respond effectively.
- Explain the importance of effective documentation.
- Identify who can access the contents of your chart and what you can charge for providing copies.
- Select how to clarify who is the client when seeing multiple people in your office.
- Assess how long you are required to retain records for adults and minors.
- Analyze how your informed consent document can be used more effectively.
- Assess when you can (and can't) report unprofessional conduct by other healthcare professionals.

About the Presenters



Paul Cooney is a healthcare attorney who has been in practice for 25 years. Mr. Cooney is a partner at Cooney, Cooney and Madigan, LLC where he specializes in healthcare litigation

and 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 malpractice cases, licensing and discipline, 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.



David J. Madigan is a healthcare attorney who has been in practice for 15 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, 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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October 19th Workshop Outline - *continued*

- 1) Board Complaints
 - a. How to respond effectively to Board complaints
 - b. Insurance coverage for Board complaints
 - c. Conduct that may increase your risk of a Board complaint – common errors
 - d. Ethical issues in the practice of mental health
 - i. Top 10 things that therapists do to get in trouble - Dual relationships, conflicts of interest, boundary crossings.
- 2) Protected Health Information (PHI)
 - a. What is PHI?
 - b. Can I still have a “paper” office?
 - c. What happens if my PHI is breached?
 - i. How to investigate
 - ii. How to mitigate any possible damage
 - iii. How to self-report when required
 - d. How to safeguard PHI
 - i. Encryption
 - ii. Cell Phones
 - iii. Tablets
 - iv. Laptops
 - v. Office computers and equipment
 - vi. Emails, texts
 - vii. Social Media – How to respond to negative online reviews
- 3) Suicidal Patients – risk management issues
- 4) Business Issues in Mental Health
 - a. Understanding leases, subleases
 - b. How to form a group practice
 - c. Understanding employment contracts
 - i. What is an “independent contractor” vs a W-2 employee?
 - ii. How do “shared revenue” contracts work?
- 5) What to Put in the Chart and What Not to Put in the Chart
 - a. Insurance company requirements
 - b. Risk reduction strategies
- 6) Special Laws Related to the Treatment of Minors
 - a. Age of consent
 - b. Who can have access to the chart?
 - c. What can you tell the parents?
- 7) Abuse Reporting
 - a. Elder abuse
 - b. Child abuse
 - c. Other reporting requirements
- 8) Reporting other Healthcare Providers
 - a. Providers that are your clients
 - b. Reporting colleagues
- 9) Financial Issues
 - a. Surviving an insurance audit
 - b. Can I charge different fees to different patients?
 - c. Accounts receivables and collection efforts
 - d. Credit card processing safely
- 10) Duty to Warn
 - a. Does Oregon follow Tarasoff?
 - b. Intent to commit a future crime
- 11) Forms
 - a. Business associate agreement
 - b. Sample authorization to release records
 - c. HIPAA notice of privacy practices
 - d. Professional disclosure statement
 - e. NEW informed consent sample
- 12) Tele-Mental Health – what are the risks.
 - a. Crossing State lines.
 - b. Choosing the right client.
 - c. Billing issues.

WORKSHOP CLASSIFICATIONS AND CONTINUING EDUCATION CREDITS

Each workshop is classified according to the following system:

- Level 1: general or introductory content aimed at a diverse audience.
- Level 2: psychologically sophisticated content, at either introductory or more advanced levels, aimed at general professional audiences.
- Level 3: highly advanced theoretical or technical content, aimed at expert audiences.

Level 2 and 3 presentations will typically warrant CE credit for a licensed psychologist. Both level and number of hours for each workshop

are indicated and official letters of completion will be awarded to participants who attend the entire workshop. APA guidelines specify that no letter of attendance will be awarded for partial workshop attendance.

Level 2 and 3 offerings are typically accepted by the Oregon Board of Psychologist Examiners. *However, Oregon licensed psychologists should consult the official Continuing Education Guidelines produced by the Oregon Board of Psychologist Examiners and note that there is no pre-certification of continuing education credit by the Board of Psychologist Examiners.*

Questions? Call OPA at 503.253.9155 or 800.541.9798 or email info@opa.org

UPCOMING OPA EVENTS & EDUCATIONAL OPPORTUNITIES*

December 7, 2018

If I Didn't Have Pain, I Wouldn't Have a Brain

By Scott Pengelly, PhD

OMEF Event Center

Portland, OR

May 3-4, 2019

2019 Annual Conference

Hilton Eugene Conference Center

Eugene, OR

Register online at www.opa.org

*Schedule & Programs are subject to change

OPA FALL 2018 WORKSHOP REGISTRATION FORM

Registration Information

- ✓ Payment must accompany registration.
- ✓ Registration fees will not be refunded for cancellations as of one week prior to the scheduled event or for no-shows at the event. Prior to that, a \$25 cancellation fee will be assessed.
- ✓ Space is limited. Early registration is encouraged. In the event that room space becomes filled to capacity, some registrants will not be able to be accommodated.
- ✓ Speaker handouts (if applicable), beverages, and networking lunch (6 hour workshops only), are included in the fee for the workshop.
- ✓ In the event of inadequate registration, weather problems or other events beyond OPA's control, a workshop may be cancelled. Should this occur, an attempt will be made to contact all registrants and fees will be refunded.
- ✓ OPA understands that many attendees are allergic or sensitive to chemicals in aftershaves, colognes and perfumes. OPA requests that attendees refrain from wearing artificial scents of any kind when attending an event. Thank you in advance for your understanding and cooperation.
- ✓ There will be no reduction in fees or letters of completion given for partial attendance.
- ✓ Mail your registration to: OPA, 147 SE 102nd Ave., Portland, OR 97216 or FAX to 503.253.9172, or register online at www.opa.org. Due to credit card security policies, we cannot accept emailed registrations.
- ✓ Confirmation letters will be sent via email only.
- ✓ Questions? Call the OPA office at 503.253.9155 or 800.541.9798, or via e-mail at info@opa.org.

Please complete all information below:

1. SELECT YOUR WORKSHOPS

Check the workshop(s) you wish to register for:

- October 19, 2018** (Early Registration Date: October 5) - 6 Hour Workshop
A Legal and Ethical Update for Mental Health Practitioners in Oregon

2. SELECT YOUR REGISTRATION CATEGORIES

Registration includes: Speaker handouts, beverages, and networking lunch (6 hour workshops only.)

6 Hour Workshop Fees

Discounted rates are on or before early registration date (see above for dates)

Regular rates are after early registration date (see above for dates)

- OPA Member Registration** \$175 early or \$195 regular
 Non-Member Registration \$225 early or \$245 regular
 OPA Service* or Life Member Registration \$125 early or \$145 regular

*Committee and board members currently volunteering service to OPA.

Please list the committee or position below.

"I serve OPA as _____"

- OPA Student Member Registration** \$75 early or \$95 regular
 Student Non-Member Registration \$90 early or \$110 regular

(Proof of full-time enrollment enclosed)

*If you have a group of 5 or more that is employed by the same company, agency or school, please contact the OPA office for information on a group discount



3. REGISTRANT & PAYMENT INFO

First Name: _____ Last Name: _____ Designations: _____

Are you a psychologist? yes no

Mailing Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Fax: _____

E-mail: _____ Special needs: _____
(Required) (ie: vegetarian entree, handicap access, etc. Requests must be made a minimum of 72 hours in advance of the event.)

Enclosed is my check in the amount of \$ _____ made payable to OPA.

Please charge my VISA MasterCard American Express Discover in the amount of \$ _____

Card Number: _____ Expiration Date: _____

Name on Card: _____ Signature: _____

Credit Card Billing Address: _____

City: _____ State: _____ Zip: _____

Email Receipt to: _____

Due to credit card security policies we cannot accept emailed registration forms with credit card information
Mail your registration to: OPA, 147 SE 102nd Ave., Portland, OR 97216, or FAX to 503.253.9172, or register online at www.opa.org
Questions? Call the OPA office at 503.253.9155 or 800.541.9798 or via email at info@opa.org