

Oregon Psychological Association Webinar Series

Legal and Ethical Update

PRESENTED BY

Paul Cooney, JD; David Madigan, JD; and Carilyn Ellis, PsyD, MSCP with audience Q&A

Wednesday
OCTOBER

20

8:30 am-12:30 pm



Register online at
www.opa.org

4 HOURS OF CEU

Speakers

Paul Cooney, JD



Paul Cooney is a healthcare attorney who has been in practice for 29 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 Madigan, JD



David Madigan is a healthcare attorney who has been in practice for 20 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.

Workshop Description

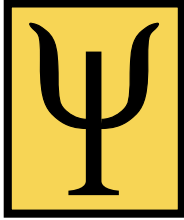
In this facilitated question and answer session, Paul Cooney, David Madigan, and Dr. Ellis will discuss common underlying themes in board complaints, trends in ethics and practice, and provide insights on how to handle common and complex issues as they arise in multiple stages of therapy. There will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

Carilyn Ellis, PsyD, MSCP



Dr. Carilyn Ellis, the current OPA Past President, is a licensed psychologist working in physical medicine and rehabilitation with Salem Health. She completed specialized training with the VA in the treatment of chronic pain, chronic medical conditions and palliative care. Dr. Ellis is a co-creator of the PainWise First Steps program, which is a collaborative, multidisciplinary approach to treating pain through working with patients to increase their movement, decrease fear and catastrophic thinking related to pain, and develop de-escalation and cognitive reframing strategies for pain.

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.



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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?
- HIPAA Office of Civil Rights: recent 20 enforcement actions for not sending records
- Oregon and HIPAA patient access to records
- OPEN Note is the trend....write your notes as if someone will read them
- Fees (paper vs electronic)
- Subpoenas
- Minor's records – which parent can request my file?

Charting Tips in an era of OPEN NOTES

- 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 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

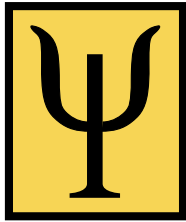
- Can negotiate with your plan?
- Where is my contract?
- What notice must I give to the insurer and clients?
- Client considerations

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)



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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

To register to attend this event, please complete the following info and return it to the OPA office or register online at opa.com

Full Name: _____ Position Title: _____

Company: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Business Phone: _____

Email: _____

FEES (per person) OPA Member: \$75 Non-Members: \$100 *Check box to receive recorded link.

PAYMENT:

Check, payable to OPA Visa MasterCard American Express Discover

Card Number: _____ Expiration Date: _____ Amount Authorized: _____

Name on Card: _____ Signature: _____

Card Billing Address: _____ City: _____ State: _____ Zip: _____

Email receipt to: _____ CVV: _____

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Due to credit card security policies we cannot accept registrations with credit card payment via email. Questions? Call OPA at 503.253.9155 or 800.541.9798 or email us at info@opa.com