

Online FTC Course

Facing the Challenge of Liability in Psychotherapy: Practicing Defensively©

Law and Ethics 2012 Update in Two Parts

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Course Description:

Facing the Challenge of Liability in Psychotherapy: Practicing Defensively (authored by the instructor) received the 2001 Grady best book of the year award by the National Association for the Advancement of Psychoanalysis. This course is based on the dynamic and risk management aspects of the 2007 updated edition of the book.

Psychoanalysis as well as dynamic and intensive psychotherapy necessarily involve establishing a working relationship with the client over an extended period of time. But the history of such therapeutic relationships demonstrates the perils and pitfalls of this type of intimacy. How can issues of multiple roles, interpersonal boundaries, and real personal involvements around such things as gift-giving, disclosures, bartering, field trips, and telephone or E-mail contacts be considered in the most professional manner possible? What are the sources of most false accusations against therapists and how can they be averted and/or dealt with safely, productively, and professionally? The Ewing cases and the new duty to protect guidelines will be provided along with specific guidelines for achieving HIPAA compliance—especially the electronic security rules and the new HITECH federal legislation.

The escalation of lawsuits and complaints is placing practicing psychologists in increasing jeopardy. This class, while covering most basic issues in Law and Ethics, does so *specifically from the advanced standpoint of therapists engaging in long-term depth psychodynamic psychotherapy with the underlying danger of the emergence of symbiotic (borderline) and/or organizing (psychotic) transferences* that pose specific dangers for therapists and clients. How to identify problem areas, seek adequate consultation, document effectively, and safely work through the many transference, resistance, and countertransference dilemmas encountered in the trust relationship of long-term dynamic psychotherapy so that one is practicing defensively is the central focus.

Learning Objectives:

- To be able to identify areas of high risk in advance and to take appropriate preventative measures
- To be able to distinguish four distinctly different levels of transference-countertransference involvement and how various clinical issues must be

considered differently according to different developmental levels and therapeutic needs

- To be able to update forms for patient information, informed consent, releases, referrals, consultations, and terminations
- To know how to limit liability with supervisees, students, and colleagues as well as clients; and, most importantly
- To discuss how to cultivate an attitude of mindfulness regarding accountability and risk management in psychoanalysis and psychodynamic psychotherapy.
- To state the legal principles involved in the duty to protect
- To be able to comply with the federal Health Portability and Privacy Act (HIPAA)

Course Outline:

Part I.

- A. Introduction to Practicing Defensively**
- B. Practitioners' Litany for the New Millennium: Where our dangers are coming from and what we must do to conduct our practices safely**
- C. Hot Spots: Boundaries, Dual Relationships, Recovered Memories, and False Accusations Stemming from Transference Psychosis / How to Identify Problems, Seek Adequate Consultation, Document Thoroughly, and Work Through Safely**
- D. Explanation of the Workings of Civil Courts, Ethics Committees, Administrative Law, and Malpractice Insurance**
- E. Practicing Defensively: Informed Consent as an Ongoing Process. And the Many Different Kinds of Informed Consent and Documentation**
- F. Practicing Defensively: Diagnosis and Treatment**
- G. Planning as an Ongoing Process / Suicide, E-Boundaries, Documentation of Events Along the Way and Termination**
- H. Hot Spots: Boundaries, Dual Relationships, Recovered Memories, and False Accusations Stemming from Transference Psychosis / How to Identify Problems, Seek Adequate Consultation, Document Thoroughly, and Work Through Safely**

Part II.

- A. Electronic and Technological Safety and Security**
- B. E-Boundaries**
- C. Suicide guidelines**
- D. The Duty to Protect: The two Ewing Cases**
- E. HIPAA: Just Do It!**
- F. Overview: Practicing Defensively**

About the Instructor: Lawrence E. Hedges, Ph.D., Psy. D., ABPP is a psychologist-psychoanalyst in private practice in Orange, California, specializing in the training of psychotherapists and psychoanalysts. He is director of the Listening Perspectives Study Center and the founding director of the Newport Psychoanalytic Institute. He is Assistant Professor at the University of California, Irvine medical school, Department of

Psychiatry. Dr. Hedges holds Diplomates from The American Board of Professional Psychology and The American Board of Forensic Examiners. He is author of numerous papers and books on the practice of psychoanalytic psychotherapy including *Therapists at Risk: Perils of the Intimacy of the Therapeutic Relationship*; *Facing the Challenge of Liability in Psychotherapy: Practicing Defensively*; *Listening Perspectives in Psychotherapy* and *Sex in Psychotherapy*.