

Dealing with State Licensing Board Complaints Involving Clinical vs Forensic Situations: Ethical Issues and Practical Steps

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Level

Intermediate

Room

Track

Clinical

*ETHICS

CE

CPA/BBS/CJER

Bio

Robert Geffner, PhD, ABPP, ABN is Founding President of a nonprofit international resource, training, research, and direct services center, celebrating its 39th anniversary, the Family Violence & Sexual Assault Institute (FVSAI) dba the Institute on Violence, Abuse & Trauma (IVAT). He was a Professor of Psychology at University of Texas-Tyler for 16 years, and recently retired after 25 years as a Distinguished Research Professor of Psychology, Alliant International University, San Diego. Robert is Editor-in-Chief of three professional peer reviewed, internationally disseminated journals. He has a Diplomate in Clinical Neuropsychology from the American Board of Clinical Neuropsychology, and is Board Certified in Couple & Family Psychology from the American Board of Professional Psychology. Robert is a Fellow in several American Psychological Association Divisions and other professional organizations. He has been a licensed clinician for over 45 years (Psychologist and MFT). He has written, edited, co-authored, or co-edited over 100 published professional books, chapters, journal articles and technical reports on numerous topics in trauma, family, child and forensic psychology, neuropsychology, aggression, maltreatment, child abuse, family violence, sexual assault, and diagnostic assessment. He has lectured extensively on all of these topics to audiences throughout the United States and in many other countries.

Glenn Lipson, PhD, ABPP is an internationally recognized expert in Forensic Psychology. He has spent three decades tackling violence from all fronts in the prevention, intervention, and prosecution of violent crimes. As an expert witness, speaker, and advisor, he has testified in court martial, regulatory hearings and submitted briefs through counsel to the United States Supreme Court. Glenn is also the founder of MRC (Making Right Choices) that offers online training and consultation on ethical and boundary violations which lead to misconduct. He works with regulatory and governmental agencies.

Narrative

In recent years there has been an increase in ethics complaints filed with various mental health licensing boards in CA and around the country. More mental health and health care professionals are now being confronted with responding to such complaints, especially in regard to forensic cases such as child custody evaluations in family court, and often by those accused of abusive behavior. In fact, the major complaints to ethics committees of licensing boards now involves child custody cases, parenting disputes, child sexual abuse cases, treatment of clients or testimony in forensic cases. This has replaced complaints about sexual contact between a client and therapist. Most graduate programs or even ethics workshops do not necessarily train mental health and health care professionals in appropriate ways to respond to licensing board complaints, their subpoenas, use of your own expert, hiring attorneys, dealing with accusations that are actually filed, or subsequent administrative law hearings. This workshop discusses the steps and procedures involved in licensing board complaints by the boards as well as the options available to mental health professionals as they attempt to deal with their own embarrassment, fears, or feelings of shame. Specific and practical suggestions to follow if such a situation occurs are presented, as well as current issues with licensing boards, their discretionary powers that may become abusive, and the steps to take if you do not agree with their decisions. A case example of such a situation that

faced the lead presenter is discussed to illustrate the above, along with the final outcome that occurred after a complaint was filed, and the 7 years that transpired since the complaint until the final resolution through 3 courts. Lessons learned and tips in what to do if a complaint is filed against you are presented.

Learning Objectives

1. Describe two immediate responses if you receive a complaint from your licensing board
2. List two major factors in ethical standards that are most likely to occur in complaints to licensing boards
3. List three things you can do if you do not agree with an ethics complaint filed against you
4. Explain the theoretical role and scope of practice of licensing boards in overseeing mental health and health care practice
5. List three lessons learned and tips if an ethical complaint is filed against you
6. Describe three major precedents published recently in an Appellate Course case affecting legal and ethical standards and statutes in CA regarding clinical vs forensic evaluations