



PsychMaven
All Things Helpful in Mental Health

Ethical Business Practice for Psychotherapists

Mental Health Ethics Webinar

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Dr. Stephen "David" Hall is the Co-founder and Chief Maven of PsychMaven. He is a psychotherapist and the founder of Haven Family Psychiatry. David began leading professional trainings in 2006. In 2011, he founded the Narrative Institute and started to organize independent trainings throughout the US and in the UK. He has also organized conferences as a board member of the Tennessee Association for Marriage and Family Therapy.

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How Good Ethics Will Sustain You In Practice

- Keep you from starting business practices that you will have to correct.
- Protect you from possible legal and/or licensure issues
- Setting protection against burn-out

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Ethical Codes this Webinar will Reference

- **ACA-** American Counseling Association
- **AAMFT-** American Association for Marriage and Family Therapy
- **NASW-** National Association of Social Workers
- **APA-** American Psychological Association

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The Dynamics of “Fee-Splitting” & Payments

- Defining “Fee-Splitting”
- Boundaries and definitions in “referrals”
- Best business structures for multi-provider groups

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ACA

A.10.b. Unacceptable Business Practices

- Counselors do not participate in fee splitting, nor do they give or receive commissions, rebates, or any other form of remuneration when referring clients for professional services.

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AAMFT

8.1 Financial Integrity

- Marriage and family therapists do not offer or accept kickbacks, rebates, bonuses, or other remuneration for referrals. Fee-for-service arrangements are not prohibited.

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NASW

1.16(c) Referral for Services

- Social workers are prohibited from giving or receiving payment for a referral when no professional service is provided by the referring social worker.

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Thinking Through Payment Structure.

- Caldwell, B. E. (2018 March). *Fee splitting in private practice may be illegal and unethical*. Retrieved from <https://www.psychotapynotes.com/fee-splitting-private-practice-may-illegal-unethical/>
- Wade, M. E. (2015 May). The ethics of fee splitting. Retrieved from https://www.counseling.org/docs/default-source/ethics/ethics-columns/ethics_may_2015_fee-splitting.pdf?sfvrsn=624522c_4

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APA 6.07 Referrals and Fees

- When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself.

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Ethical Advertising

- Testimonials
- Clinician Titles
- Therapist Qualifications

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ACA C.3.b. Testimonials

- Counselors who use testimonials do not solicit them from current clients, former clients, or any other persons who may be vulnerable to undue influence. Counselors discuss with clients the implications of and obtain permission for the use of any testimonial.

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NASW

4.07 Solicitations

- (a) Social workers should not engage in uninvited solicitation of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.
- (b) Social workers should not engage in solicitation of testimonial endorsements (including solicitation of consent to use a client's prior statement as a testimonial endorsement) from current clients or from other people who, because of their particular circumstances, are vulnerable to undue influence.

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APA

5.05 Testimonials

- Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.

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Thoughts on Testimonials

- Word-of-Mouth referrals can be important in building a practice, but consider ways let your clients know about this, without there being undo pressure.
 - See **WOM Flyer** included with this webinar.
- Also note how online reviews can lead to issues with confidentiality or privacy.

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ACA C.3.a. Accurate Advertising

- When advertising or otherwise representing their services to the public, counselors identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

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AAMFT

9.1 Accurate Professional Representation

- Marriage and family therapists accurately represent their competencies, education, training, and experience relevant to their practice of marriage and family therapy in accordance with applicable law.

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ACA

C.4.b. Credentials

- Counselors claim only licenses or certifications that are current and in good standing.

ACA

C.4.c. Educational Degrees

- Counselors clearly differentiate between earned and honorary degrees.

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AAMFT

9.5 Educational Credentials.

- Marriage and family therapists claim degrees for their clinical services only if those degrees demonstrate training and education in marriage and family therapy or related fields.

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ACA

C.4.d. Implying Doctoral-Level Competence

- Counselors clearly state their highest earned degree in counseling or a closely related field. Counselors do not imply doctoral-level competence when possessing a master's degree in counseling or a related field by referring to themselves as "Dr." in a counseling context when their doctorate is not in counseling or a related field. Counselors do not use "ABD" (all but dissertation) or other such terms to imply competency.

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AAMFT

9.8 Correction of Misinformation.

- Marriage and family therapists correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.

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ACA

C.4.a. Accurate Representation

- Counselors claim or imply only professional qualifications actually completed and correct any known misrepresentations of their qualifications by others. Counselors truthfully represent the qualifications of their professional colleagues. Counselors clearly distinguish between paid and volunteer work experience and accurately describe their continuing education and specialized training.

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ACA

C.3.c. Statements by Others

- When feasible, counselors make reasonable efforts to ensure that statements made by others about them or about the counseling profession are accurate

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APA

5.01(b) Avoidance of False or Deceptive Statements

- Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees; (3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

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Question on Fee-Splitting

- I have a supervisee that works for me and they get a portion of their client fees, is this fee-splitting? I can't rent my supervisee space because of the laws in my state. Thoughts?

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Thoughts on practice “Fee Disbursements” vs “Fee-Splitting”

- Clients/Patients belong are assigned within a single group, so there is no “referral” out to another group or entity.
- The practice's fee portion is for measurable services such as administration, office furnishing, etc., and not just for clients.
- Clients are assigned to therapists in ways that can be justified as being in the client's best interest.

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Question on Fee-Splitting

- How will I know if my fee structure with employees is legal/ethical?

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Question on Testimonials

- I have had testimonials as a part of my website for a long time. How can I make sure I am doing them ethically

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Question on Titles

- How far should you go to correct someone calling you “Dr.” when you are not one?

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Question on Qualifications

- At what point can you say you are qualified in a therapy skill?

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- [Mental Health Marketing Kit](#)
 - Grow and Keep Your Therapy Caseload and Fill It With Your Best Clients
- [Profitable Mental Health CE Starter-Kit](#)
 - A How-To Guide to Build Your Own Continuing Education Events for Income
- [Clinical Skills Courses](#) and other Continuing Education Content for Behavioral Health Clinicians

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<https://psychmaven.teachable.com/>

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