FFTA
FLORIDA FAMILY THERAPY ALLIANCE

THIS Saturday, 11/09 starts at 9 AM till 4:30 PM

Online Therapy: Why Taking a Not-Knowing Position Rings Hollow



- **Nova Southeastern University,** 4850 Millenia Blvd., Orlando, FL 32839
- **Richard P. Long, Ph.D., LMFT, Presenter**
  Richard Long is the current chair of AAMFT's Telehealth and Technology Interest Group. He is also chair for a workgroup charged with the creation of minimum standards for systemic family therapy applications.
- **Janet Hartman, Executive Director for 491 Board** will discuss the new Florida law on Online Therapy and answer questions
- Representatives from **online companies will present webinars** after lunch (included)
  6 CEUS Provider #BAP-173, expires 03/31/2021
- $95 for professionals and $45 for students
- Register today: Email lbarlow110@msn.com
- Pay at www.Florida FTA.org under "events"



Keeping your license: Legal and ethical practice

CFAMFT
November 2019

Alicia M. Homrich, Ph.D.
Professor, Rollins College
Licensed Psychologist
Licensed Marriage and Family Therapist
National Certified Counselor

Today you will:

- Understand the latest changes in Florida's licensure laws and rules for 491 licensees.
- Become familiar with new online legislation.
- Identify strategies to engage in best practices according to Florida law and professional ethics.
- Reduce your risk of unethical or illegal practice.



Don’t Be Confused!



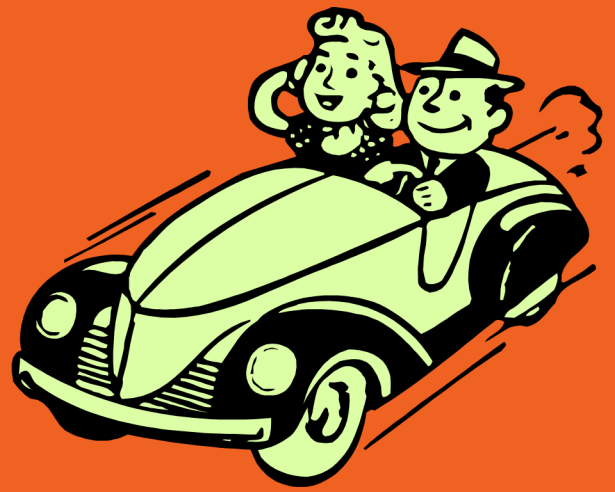
Attorney



Therapist

Just as lawyers are not trained to provide therapy,
I am not trained to interpret or advise about the law!

If the wording of legislation or board rule is unclear
Consult the board staff or an attorney for clarification.



Just Like the Speed Limit…

you are responsible for knowing the laws and rules that govern your license.

- **Ignorance of the law is no excuse.**
- **It is important to stay current.**
- **You are charged to practice legally and ethically and must know how this standard is determined.**

ACA Counselor Liability Claim Report 2019

- Office Based Counselors (54%)

<u>Biggest general category of allegations</u>:

- Counseling Relationship (55%)

<u>Top two primary allegations</u>:

Sexual romantic relationships w/ clients, client's partners, or family members (32%)

Failure to practice within boundaries of competence (18%)

<u>Top reason for record and deposition request</u>:

Child custody (41%)

Top 5 Risk Management Recommendations:

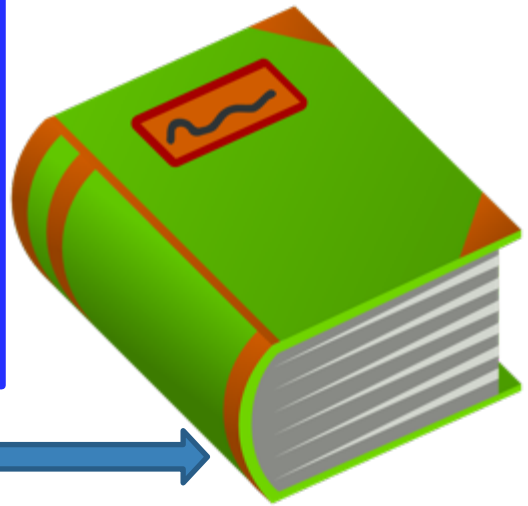
1. Know and comply with the relevant state practice act.
2. Understand all laws or regulations that govern client interactions.
3. Develop, maintain, and practice professional written and spoken communications skills.
4. Retain client clinical health records in accordance with relevant state and federal laws.
5. Avoid multiple relationship with clients, their significant others, and their families.

The Structure of Our Mandates



Florida Statues (LAW)
Made by Legislators,
signed by Governor

Administrative Code (RULES)
Legislation gives authority to a Board to make Rules = LAW



Florida Statute 491



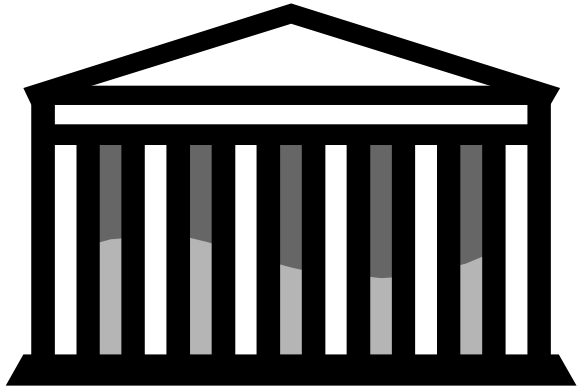
Florida Administrative Code 64B4

491, F.S.  64-B4, F.A.C.

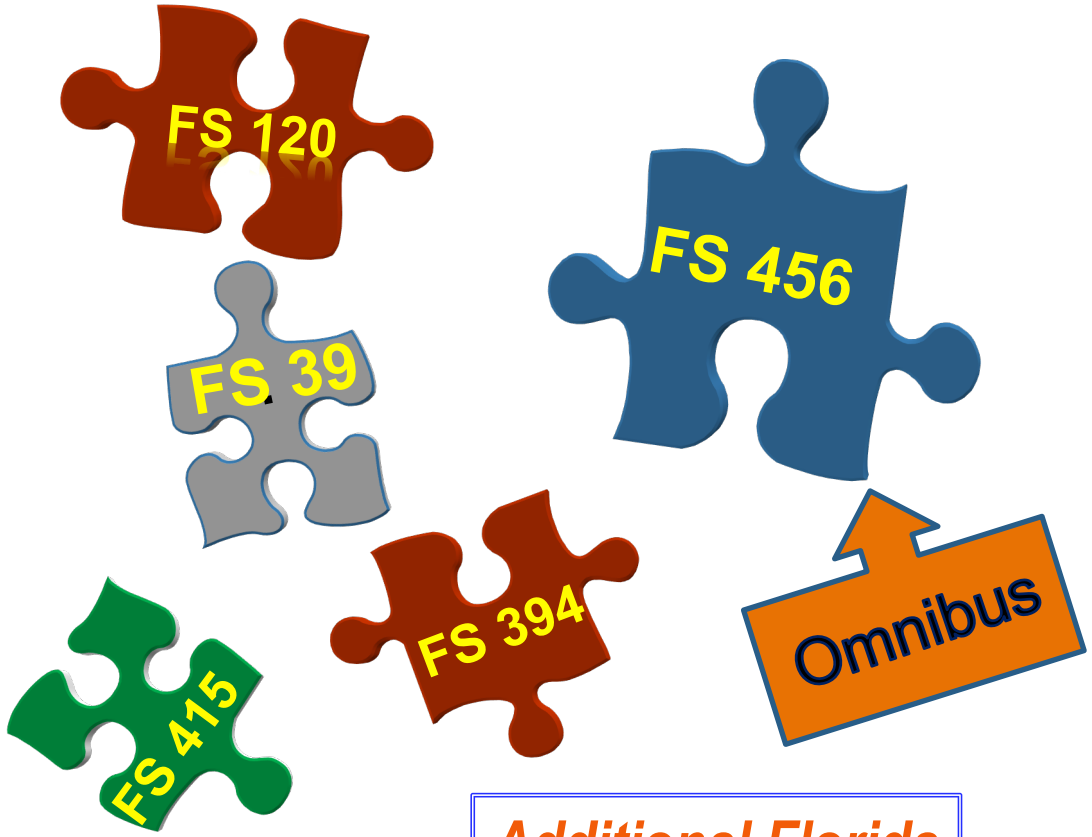
Example:

- 491.0143 - Practice of Sex Therapy
- 64B4-7.004 - Use of the title “Sex Therapist.”

The Structure of Our Mandates

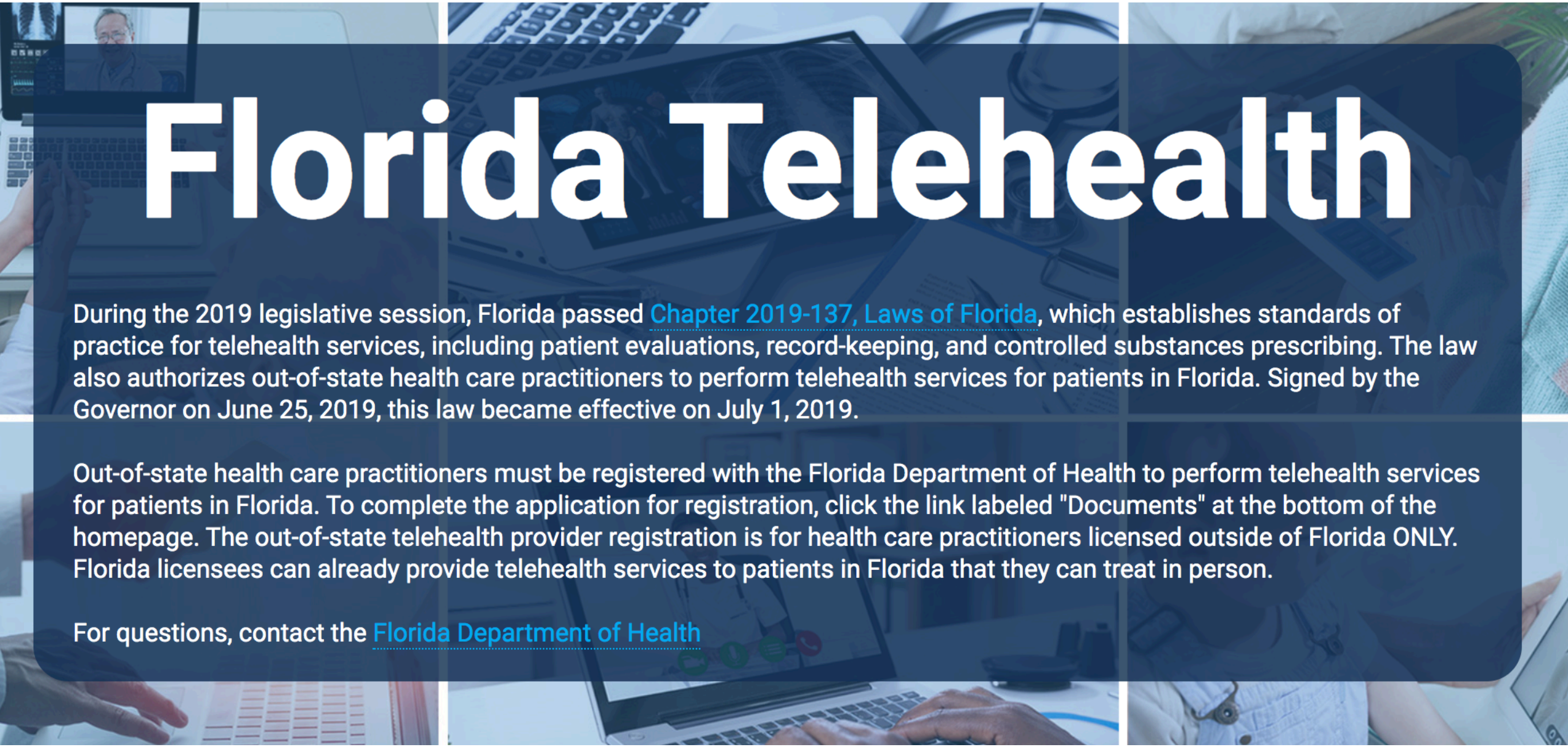


Florida Statues (LAW)
Made by Legislators,
signed by Governor



Additional Florida Statues that govern your license:





Florida Telehealth

During the 2019 legislative session, Florida passed Chapter 2019-137, Laws of Florida, which establishes standards of practice for telehealth services, including patient evaluations, record-keeping, and controlled substances prescribing. The law also authorizes out-of-state health care practitioners to perform telehealth services for patients in Florida. Signed by the Governor on June 25, 2019, this law became effective on July 1, 2019.

Out-of-state health care practitioners must be registered with the Florida Department of Health to perform telehealth services for patients in Florida. To complete the application for registration, click the link labeled "Documents" at the bottom of the homepage. The out-of-state telehealth provider registration is for health care practitioners licensed outside of Florida ONLY. Florida licensees can already provide telehealth services to patients in Florida that they can treat in person.

For questions, contact the Florida Department of Health

Florida Law: Chapter 2019-127

Telehealth Defined

- "Telehealth means the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide healthcare services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services and health administration."
- Under this legislation, we are considered "telehealth providers."
- Applies to individuals not licensed in Florida but who register with their applicable Florida board or the Department of Health.
- HB 23 excluded audio-only telephone calls, e-mail messages and facsimile transmissions from the definition of telehealth

Practice Standards

- A telehealth provider “has the duty to practice in a manner consistent with his or her scope of practice and the prevailing professional standard of practice for a healthcare professional who provides in-person healthcare services to patients in this state.”
- HB 23 provides that a telehealth provider must document the services provided under the same standards applicable to in-person services, and that medical records generated by telehealth providers are confidential under Florida law.
- http://laws.flrules.org/2019/137

64B4-6.001 Renewal of Active License

(a) A licensee must complete 30 hours of approved continuing education credit including two hours on the prevention of medical errors….In alternating biennial renewal periods, the licensee shall complete either three (3) hours relating to professional ethics and boundary issues or three (3) hours relating to the provision of teletherapy.

Changes to FS Chapter 394: Baker Act

Provides additional confidential records release circumstances.

For the purpose of determining whether a person meets the criteria for involuntary outpatient placement or for preparing the proposed treatment plan pursuant to s. 394.4655, the clinical record may be released to the state attorney, the public defender or the patient's private legal counsel, the court, and to the appropriate mental health professionals, including the service provider identified in s. 394.4655(7)(b)2., in accordance with state and federal law.

(4) Information from the clinical record must be released when a patient has communicated to a service provider a specific threat to cause serious bodily injury or death to an identified or a readily available person, if the service provider reasonably believes, or should reasonably believe according to the standards of his or her profession, that the patient has the apparent intent and ability to imminently or immediately carry out such threat. When such communication has been made, the administrator must authorize the release of sufficient information to communicate the threat to law enforcement. A law enforcement agency that receives notification of a specific threat under this subsection must take appropriate action to prevent the risk of harm, including, but not limited to, notifying the intended victim of such threat or initiating a risk protection order. A service provider's authorization to release information from a clinical record when communicating a threat pursuant to this section may not be the basis of any legal action or criminal or civil liability against the service provider.

Changes to FS Ch 491.0147
Confidentiality and Privileged Communication

(c)~~(3)~~ When a patient or client has communicated to the person licensed or certified under this chapter a specific threat to cause serious bodily injury or death to an identified or readily available person, and the person licensed or certified under this chapter makes a clinical judgment that the patient or client has the apparent intent and ability to imminently or immediately carry out such threat~~, in the clinical judgment of the person licensed or certified under this chapter, there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society~~ and the person licensed or certified under this chapter communicates the information ~~only~~ to the potential victim~~, appropriate family member, or law enforcement or other appropriate authorities. There shall be no liability on the part of, and no cause of action of any nature shall arise against, a person licensed or certified under this chapter for the disclosure of otherwise confidential communications under this subsection~~. A disclosure of confidential communications by a person licensed or certified under this chapter when communicating a threat pursuant to this subsection may not be the basis of any legal action or criminal or civil liability against such person.

Changes to FS Ch 491.0147
Confidentiality and Privileged Communication

(2) This privilege must be waived, and the person licensed or certified under this chapter shall disclose patient or client communications to the extent necessary to communicate the threat to a law enforcement agency, if a patient or client has communicated to such person a specific threat to cause serious bodily injury or death to an identified or readily available person, and the person licensed or certified under this chapter makes a clinical judgment that the patient or client has the apparent intent and ability to imminently or immediately carry out such threat. A law enforcement agency that receives notification of a specific threat under this subsection must take appropriate action to prevent the risk of harm, including, but not limited to, notifying the intended victim of such threat or initiating a risk protection order. A disclosure of confidential communications by a person licensed or certified under this chapter when communicating a threat pursuant to this subsection may not be the basis of any legal action or criminal or civil liability against such person.

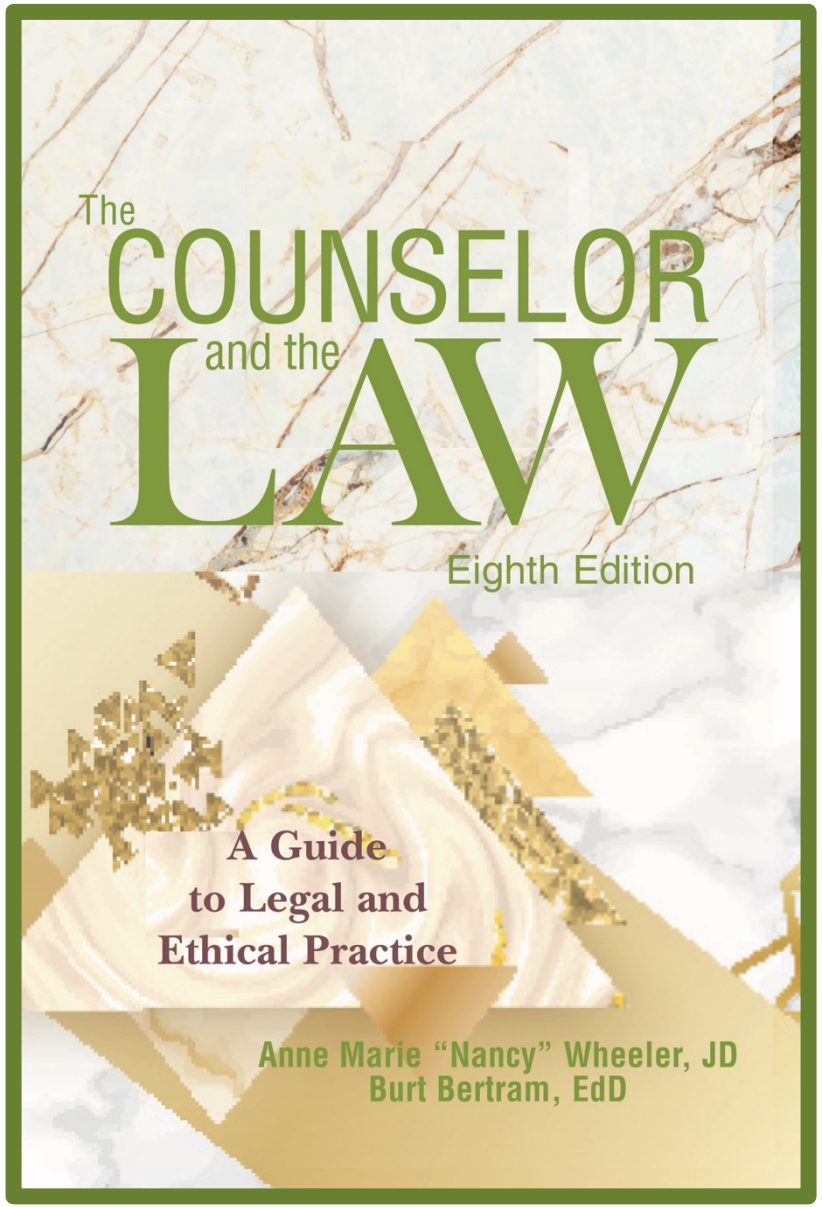
Beware of “DRIFT”

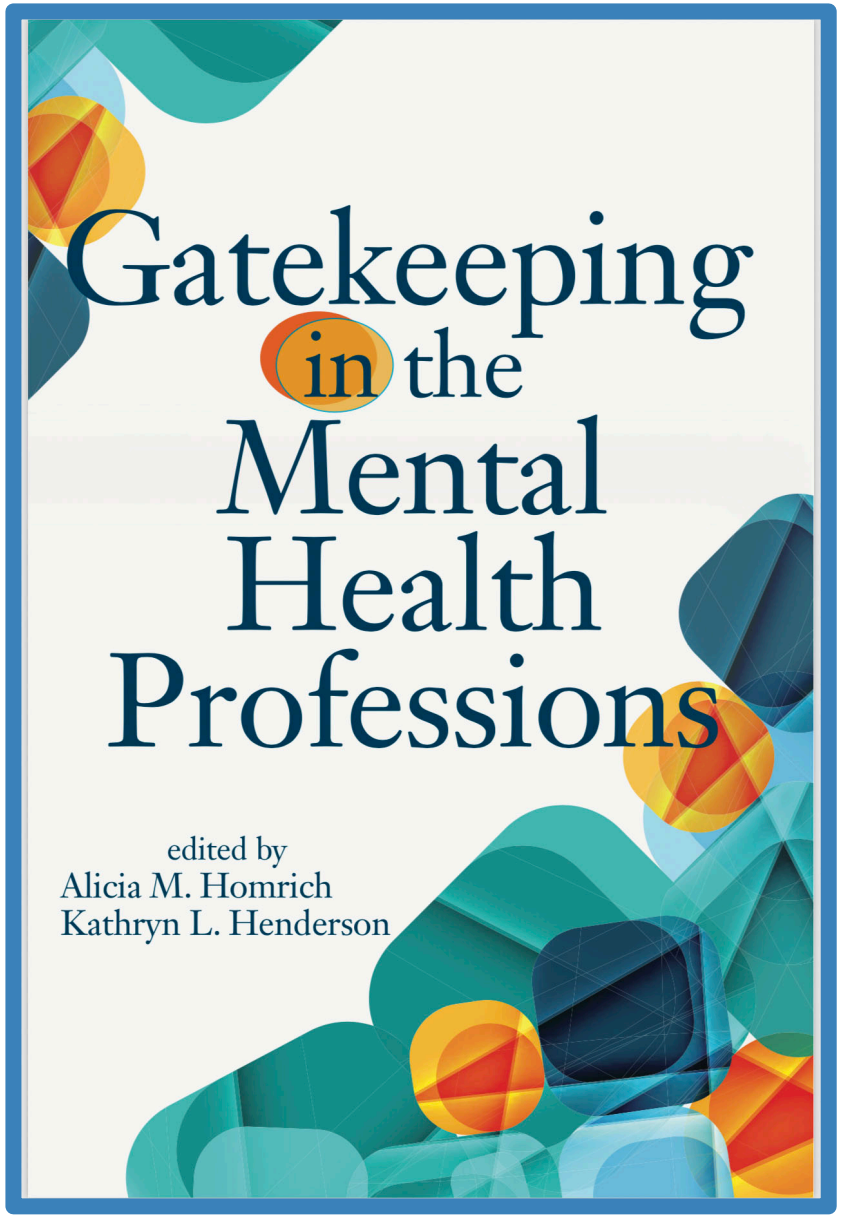
Faulty thinking

Faulty information

Faulty advice







AVAILABLE FROM: www.counseling.org/publications/bookstore or www.amazon.com

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