

Guidelines for closing a practice and preparing a professional will

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General Policy

Different reasons may motivate a Psychologist to close a practice: illness, relocation, retirement. Other unforeseen events, such as death or sudden incapacitation inevitably lead to the closing of a practice. These situations require careful planning for the responsible caring of clients and the ethical management of clinical files. In order to minimize harm to clients, the Canadian Code of Ethics for Psychologists proposes the following guidelines:

- II. 31 Give reasonable assistance to secure needed psychological services or activities, if personally unable to meet requests for needed psychological services or activities.
- II. 33 Maintain appropriate contact, support and responsibility for caring until a colleague or other professional begins service, if referring a client to a colleague or other professional.
- II. 34 Give reasonable notice and be reasonably assured that discontinuation will cause no harm to the client before discontinuing services.

In addition to the obligations related to responsible caring for the clients, the Psychologist must attend to other details related to the closing a practice, that is, ending business relationships, terminating contacts, managing correspondence, etc.

Furthermore, within the scope of the Personal Health Information Privacy and Access Act (Chapter P-7.05, 2009), article 54(1) states "...a custodian (i.e. record holder, such as a psychologist) does not cease to be a custodian with respect to a record of personal health information until complete custody and control of the record passes to another person who is legally authorized to hold the record." and more specifically, article 54(3) adds that "If a custodian who is an individual dies, the duties and powers of a custodian under this Act shall be performed by the personal representative of the deceased (...) until custody and control of the record of personal health information passes to another person who is legally authorized to hold the record." Thus, in order to avoid breaching confidentiality by releasing client information to a personal executor, Psychologists should take care to make arrangements and name a professional executor to assume custody of professional files and documents

The College of Psychologists of New Brunswick (CPNB) hereby proposes the following guidelines to assist Psychologists in closing a practice and in preparing a Professional Will.

A) Psychologist's Responsibility

i. When to begin?

Preparations for closing a practice should begin when the Psychologist opens a private office and/or when the Psychologist is hired by an organization.

When opening a private practice:

It is especially important for Psychologists working solo in private practices to prepare a Professional Will (see Section iv.). If the Psychologist suddenly dies or becomes incapacitated, many details regarding the care of clients, the management of files, etc., need to be transmitted to the designated Professional Executors. Psychologists working in groups together in private practice may decide to delegate certain tasks and designate their colleagues or clerical staff as Professional Executors.

When hired by an organization:

It is pertinent for the Psychologist to ask his/her employer what the agency's procedures are when a Psychologist leaves the organization in regards to client contacts, management of files, etc. In some organizations, other Psychologists are available to assist clients and properly store files. In other organizations, the Psychologist may be the sole worker in

his/her field and special care must be given to ensure that proper procedures are in place to ethically handle his/her departure.

Power of Attorney:

It is advisable to notify the Registrar of the CPNB of the name of the person whom you have designated as Power of Attorney. In the event of your sudden death or Incapacitation, the Registrar may need to contact the person handling your estate. *We'll be adding a section in the Member's area of the website to give the name of your professional executor, maybe also add the personal will executor? The reasoning is that if any outstanding bills of the practice need to be paid out of the estate, the designated psychologists need to be able to contact the appropriate person to pass on the bill.*

ii. Client Intake Form

Since disability, relocation, forced retirement, death and other unforeseen circumstances are always a possibility, the client intake form should contain a clause that permits the psychologist to arrange for the transfer of the clinical record to another professional if any of these circumstances should occur. Thus, the client would give the designated professional permission in advance to store and preserve the file in a protected facility with a Psychologist in charge. The files could then be made accessible to the client through the designated Psychologist.

iii. In case of Death or Incapacitation-Preparing a Professional Will

A professional will is a plan for what happens if a psychologist dies suddenly or is incapacitated. It helps those whom the Psychologist designates to respond promptly and effectively to the needs of the clients and to attend to any unfinished business. It also gives others the basic information and guidance that can be so hard to come by in times of shock or mourning (Pope & Vasquez, 2005).

Once a Professional Will has been completed, it should be reviewed by the appointed designees as well as by the Psychologist's legal advisor. It is recommended that the Psychologist review the Professional Will on an annual basis in order to make appropriate changes and updates.

iv. Closing a Practice due to Relocation, Illness or Retirement

For a checklist of things to do, please consult the document in *Appendix II: "Checklist and Summary: Closing a Practice due to Retirement, Illness or Relocation"*.

B) College of Psychologists of New Brunswick's Responsibility

i) In case of Death or Incapacitation of a Psychologist

The College of Psychologists of NB, in its' mandate of serving and protecting public interest, will ensure responsible caring of clients and proper and ethical management of client files in situations where all of the following conditions apply:

- a) A Psychologist working in private practice suddenly dies or becomes incapacitated and unable to practice psychology;
- b) The Psychologist is incapable of conducting the activities necessary to independently conclude and wind down the private practice in psychology;
- c) The Psychologist has not prepared a Professional Will nor appointed a designated Professional Executor;
- d) No other Psychologist is seeking to take over ownership and responsibility for the practice.

In the event where conditions (a) through (d) occur, the CPNB shall:

1. Designate through the office of the Registrar one or several Psychologist(s) to assist, on behalf of the CPNB, in the appropriate closing and winding down of the psychology practice. It is understood that the designated Psychologist(s) has not and will not assume professional responsibility for offering continuing professional services of any sort to the clients of the practice.
2. Endeavour with the designated Psychologist(s) to, as much as possible, protect the confidentiality of clients of the practice, and shall only have as much access to names and personal information about clients as is necessary to responsibly make appropriate arrangements.
3. Exchange information with the designated Psychologist(s), including confidential information, about the practice and about the activities of the designated Psychologist(s) in winding down the practice as is necessary to ensure ethical and professional arrangements.
4. Prepare a notice to be published in the newspaper serving the area, indicating that the practice has closed due to illness or death and providing information about access to CPNB and the designated Psychologist(s).
5. Provide names of local psychologists in private practice to those clients seeking continuing professional services from a psychologist.
6. Through the Registrar, arrange contact with the designated Psychologist(s) for those clients wishing to meet a psychologist to discuss transition issues. Such contact with designated Psychologist(s) shall be provided *pro bono* by the designated Psychologist(s), and shall be limited

to clarifying needs for further service or dealing briefly with client concerns about the services they received or issues of loss or abandonment as a result of sudden closure of the practice.

7. Authorize physical storage of the records of the practice to an appointed licensed Psychologist who will be referred to as the Record Holder. This task may be delegated to the designated Psychologist(s). The records shall be maintained by the Record Holder.
8. Ensure that in the event the Record Holder becomes unable to provide for the physical retention of files and records, that the records be transferred to a place or facility so as to provide acceptably secure storage. Such storage may be under the control of the CPNB and the designated Psychologist(s).
9. Through the Registrar, give direction to the designated Psychologist(s) stating the policies and timeframes to be followed in the destruction of records of the practice.
10. Ensure that the CPNB and the designated Psychologist(s) shall be indemnified and protected from any claims or actions arising from the practice or the winding down and closing of the practice.
11. With the designated Psychologist(s), add other agreed upon psychologist to be Designated Psychologist(s), including arranging replacements for any or all of them. All rights and privileges conferred upon the Designated Psychologist(s) shall be conferred upon any added psychologists.
12. If deemed appropriate, appoint a person to a continuing role as an associate or consultant to the Designated Psychologist(s), should any member of the designated Psychologist(s) cease to hold status as a licensed psychologist.
13. Delegate the following tasks to the designated Psychologist(s):
 - To prepare a letter to be sent under the signature of the deceased or incapacitated Psychologist to all know current clients, indicating that the practice is closing as a result of death/illness. That letter shall indicate that current clients may return an executed consent form authorizing the release of information to the designated Psychologist(s) so as to permit appropriate transition or referral, and to permit dealing with any untoward reactions on the part of clients to the sudden closing of the practice or sudden loss of access to their psychologist. Additionally the letter shall indicate that clients may contact the CPNB for referral to another psychologist, and

may contact the Registrar for access to the designated Psychologist(s) for a brief meeting with one of them.

- To offer such telephone or in-person contact to current clients referred through the Registrar or who have returned consent forms to the practice. Such contact shall be limited to that which is necessary and appropriate to arrange referral or to offer brief and limited opportunity to address issues arising from the sudden closure of the practice. Such contact is deemed to be on behalf of the CPNB and the public good, and is not deemed to constitute the commencement of a practitioner – client relationship that would entail responsibility to continue provision of services.
- In cases where the Psychologist has been incapacitated, any work completed following incapacitation shall be deemed potentially unreliable as a result of illness and said files shall be deemed to contain potentially erroneous information, and are thus further deemed to be non-transmittable other than by order of a court or competent jurisdiction. The designated Psychologist(s) shall prominently identify such files, and shall arrange for their separate storage from regular files. Bona fide requests for such identified files shall be responded to with a form letter prepared by the designated Psychologist(s) and the CPNB.
- To advise the Registrar if for any reason the Record Holder can no longer ensure confidential storage and retention of the deceased or incapacitated Psychologist's files
- To arrange for the destruction of old records in a manner consistent with such direction as given by the CPNB. The designated Psychologist(s) shall arrange for any yearly destruction of files as they exceed the specified retention period.
- To contribute their time on a professional *pro bono* basis. Such time shall be directed to matters requiring professional knowledge, expertise, or judgment. The designated Psychologist(s) shall not be expected to provide extended services that are primarily clerical, secretarial, or otherwise not of a professional or psychological nature.
- To notify the CPNB should it become necessary to cease to provide assistance as outlined in this document.

- To notify the CPNB should any member among the designated Psychologist(s) cease to hold status as a licensed psychologist. That person shall cease to be a designated Psychologist(s).

ii) In case of license revocation or suspension

The College of Psychologist of NB (CPNB), in its mandate of serving and protecting public interest will ensure the responsible caring of clients and proper and ethical management of active client files in situations whereby:

- a) A license is revoked or suspended from a member of the CPNB under Section 17(2) of the Psychologists Act;
- b) The member whose license is revoked or suspended was working in private practice;
- c) No other Psychologist is seeking to take over ownership and responsibility for the practice;
- d) The member whose license is revoked or suspended has made no arrangements for the continued care of clients or the management of active client files;
- e) The member whose license is revoked or suspended omits to inform the College of Psychologists of NB of the procedures put in place for the continued care of clients and the management of active client files within 30 days of having their license revoked or suspended;
- f) The member whose license is revoked or suspended does not wish to appoint one or several designated Psychologist(s) to make arrangements for the continued care of clients and the management of active client files.

In the event of such a situation including conditions a) to f) described above, the College of Psychologists of NB shall:

1. Designate, through the office of the Registrar, one or several Psychologist(s) to assist, on behalf of the CPNB, in the appropriate closing of the psychology practice. It is understood that the designated Psychologist(s) have not and will not assume professional responsibility for offering any continuing professional services to the clients of the practice.
2. Following the Public Notice of license revocation or suspension as described in Section 17(1) of the Psychologists Act, inform the public that any current client may contact the CPNB or a designated Psychologist for appropriate referral or to discuss transition issues.

3. Provide names of psychologists in private practice, consistent with the CPNB referral practice, to those clients seeking continuing professional services from a psychologist.
4. Endeavour, with the designated Psychologist(s), to protect the confidentiality of clients of the practice, and shall have sufficient access to names and personal information about such clients as is necessary to responsibly make appropriate arrangements.
5. Through the Registrar, arrange contact with the designated Psychologist(s) for those clients wishing to meet a psychologist to discuss transition issues. Such contact with designated Psychologist(s) shall be provided pro bono by the designated Psychologist(s), and shall be limited to a) clarifying needs for further service, b) dealing briefly with client concerns about the services they received or c) discuss issues of loss or abandonment as a result of the sudden closure of the practice.
6. Ensure that the CPNB and the designated Psychologist(s) shall be indemnified and protected from any claims or actions arising from the closing of the practice.
7. With the designated Psychologist(s), add other agreed upon psychologists to be or to replace designated Psychologist(s). All rights and privileges conferred upon the initial designated Psychologist(s) shall be conferred upon any added psychologists.
8. If deemed appropriate, appoint a person to a continuing role as an associate or consultant to the designated Psychologist(s), should any member of the designated Psychologist(s) cease to hold status as a licensed psychologist.
9. Delegate the following tasks to the designated Psychologist(s):
 - Following the Public Notice of license revocation or suspension, prepare a letter to be sent to all current clients of the member whose license is revoked or suspended. The letter will indicate that current clients should return a signed consent form authorizing the release of information to the designated Psychologist(s) so as to permit appropriate transition or referral and to permit dealing with any untoward reactions on the part of clients to the sudden closing of the practice or sudden loss of access to their psychologist. Additionally, the letter shall indicate that clients may contact the CPNB for referral to another psychologist and

may contact the Registrar for access to the designated Psychologist(s) for a brief meeting with one of them.

- To offer telephone or in-person contact to current clients referred through the Registrar or who have returned signed consent forms to the designated Psychologist(s). Such contact shall be limited to that which is necessary and appropriate to arrange referral or to offer brief and limited opportunity to address issues arising from the sudden closure of the practice. Such contact is deemed to be on behalf of the CPNB and the public good, and is not deemed to constitute the commencement of a practitioner – client relationship that would entail responsibility for continued provision of services.
- To contribute their time on a professional pro bono basis. Such time shall be directed to matters requiring professional knowledge, expertise, or judgment. The designated Psychologist(s) shall not be expected to provide extended services that are primarily clerical, secretarial, or otherwise not of a professional or psychological nature.
- To notify the CPNB should it become necessary to cease to provide assistance as outlined in this document.
- To notify the CPNB should any member among the designated Psychologist(s) cease to hold status as a licensed psychologist. That person shall cease to be a member of the designated Psychologist(s).

APPENDIX I

Professional Executor Instructions

For the Disposition of the Practice of
(INSERT: Name of Psychologist, Degree)
In the event of Death, Disappearance, or Permanent Disability
(INSERT: Date)

I, (insert your name, L.Psych. or otherwise), a resident of (enter city name), Province of New-Brunswick, being of sound and disposing mind and memory, do hereby declare this to be my Professional Will. This supersedes all prior Professional Wills, in the event there are any. This is not a substitute for a Personal Last Will and Testament. It is intended to give authority and instructions to my Professional Executor regarding my psychology practice in the event of my incapacitation or death.

My Professional Executors are as follows:

Name: (INSERT name of individual or of a group, i.e.: staff at the ABC Centre)
Business Address:
Business Phone:
Business Fax:
Business email address:
CPNB Licence #:
Home Address:
Home Phone:
Home Fax:
Home email address:

If this person is unavailable to perform this function, the designees are:

First Designee:

Name:
Business Address:
Business Phone:
Business Fax:
Business email address:
CPNB Licence #:
Home Address:
Home Phone:

Home Fax:
Home email address:

Second Designee:

Name:
Business Address:
Business Phone:
Business Fax:
Business email address:
CPNB Licence #:

Home Address:
Home Phone:
Home Fax:
Home email address:

My Personal Will Executor is:

Name:
Address:
Home Phone:
Business Phone:

Authority of Professional Executor

I hereby grant my Professional Executor or Designee full authority to:

a. Act on my behalf in making decisions about storing, releasing and/or disposing of my professional records.

b. Carry out any activities deemed necessary to properly administer this Professional Will.

c. Delegate and authorize other persons determined by them to assist and carry out any activities deemed necessary to properly administer this Professional Will.

My Attorney is currently:

Name:
Business Address:
Business Phone:
Business Fax:
Business email address:
Pager:

My Accountant is currently:

Name:

Business Address:

Business Phone:

Business Fax:

Business email address:

Pager:

My Landlord is currently:

Name:

Business Address:

Business Phone:

Business Fax:

Business email address:

Pager:

My Professional Liability Coverage is currently:

Name:

Business Address:

Business Phone:

Business Fax:

Business email address:

Policy number:

General information:

1. My office is located at (**INSERT** Address)
2. My office alarm code is: (**INSERT** Code)
3. My computer password is: (**INSERT** Password)
4. My office voicemail password is: (**INSERT** Password)
5. My email address and password are as follows (**INSERT** here)
6. other relevant passwords are as follows: (**INSERT** e.g. cell phone, tablet, online accounts)
7. The keys to my office and file cabinets are located (**INSERT** SPECIFIC LOCATIONS i.e.: on my personal key ring, in my briefcase etc.).
8. My closed client files are stored in the locked filing cabinets (**INSERT** SPECIFIC LOCATIONS i.e.: in the basement of my home.)
9. My open client files are kept (**INSERT** SPECIFIC LOCATIONS i.e.: in the first drawer of the filing cabinet in my office.)

10. My billing files and records are (**INSERT SPECIFIC LOCATIONS** i.e.: in the first drawer of the filing cabinet in my office, file marked “invoices”.)
11. My Psychological Test Materials are located (**INSERT** specific locations)
12. My psychology license, malpractice insurance policy, and managed care contracts are (**INSERT SPECIFIC LOCATIONS** i.e.: in the four drawer filing cabinet in the waiting room-second drawer, file marked Professional insurance, file marked EAP contracts.)
13. My Professional Executors will make arrangements to change the message on my voicemail and redirect calls appropriately (i.e.: to their own phone numbers, to a hired answering service agency, etc.)
14. All client-related materials must be handled only by my Professional Executors, as named above.
15. My Professional Executors will assist in any therapeutic issues which may need to be addressed with my clients. (**Optional:** if billing issues, insurance, and other administrative details are already handled by clerical staff you may wish to state they may continue to handle (these issues).
16. My appointment book, which is confidential, is normally kept (**INSERT SPECIFIC LOCATIONS** i.e.: in my personal briefcase, in my computer under filename _____). (**Optional:** clerical staff may contact clients to cancel appointments, but if there is a need for discussion with clients regarding my being disabled, deceased, or missing, my Professional Executors will handle client contact and follow-up.)

Specific instructions to my Professional Executors:

17. In the event of a serious illness such as when I am unable to work for more than 2 weeks but can communicate effectively: Please contact me as soon as I am able to communicate about how to proceed. Whatever I communicate to you at that time will take precedence over this document.
18. In the event of my death, disappearance, or in the event of temporary or permanent decisional incapacitation as determined by a licensed psychologist or physician, my Professional Executors should take the following steps:
 - ❖ Telephone all scheduled clients and notify them of my current circumstances.
 - ❖ Assess their psychological vulnerability and need for ongoing psychological intervention, via recent therapy notes and your telephone conversation.
 - ❖ Make professional referrals as appropriate.
 - ❖ If the client is willing to accept a referral, please obtain the client’s written permission to release his or her name and records to the designated therapist.
 - ❖ Please make an effort to match each client with a provider who is approved by, or is on the panel of, the client’s insurance or managed Care Company. Please

keep in mind certain therapists may be dealing with grief issues related to my demise.

- ❖ Please offer clients at least one face-to-face therapist session, individual or group format, with yourself or another professional therapist that you designate, to process the event of my death or incapacitation.
- ❖ If a client is unable to pay for this session, or if that session is denied for insurance coverage, please bill these sessions to my personal estate.
- ❖ Please review my appointment book for the upcoming months and advise any scheduled colleague, supervisor, supervisee, professional group, upcoming presentation, etc. of my current circumstances.

19. Copies of referred client's record should be forwarded to their new therapists, if the therapists so request. All remaining records should be maintained in a safe, confidential place for the minimum number of years currently required by provincial and Federal law. Please dispose of all records not required by such laws to be maintained, in a manner which destroys completely all identifying client information, such as shredding. Please advise the College of Psychologists of NB of who will be responsible for the storage and protection of records.
20. Please defer to (**INSERT** spouse, if applicable), and the executor of my personal estate, (**INSERT** name of personal estate executor), regarding any financial decisions to be made regarding payment of any of my outstanding bills. Please notify, in writing, all insurance companies, hospitals, and other professional organizations with which I am affiliated of my circumstances, including my professional liability insurance provider. The professional liability carrier may require a copy of my death certificate or other proof of my death
21. If any further information or an update of legal requirements for the care of records is required, please contact the College of Psychologists of N.B.
22. There are (**INSERT** number of copies) copies of this Professional Executor Instructions document. (**INSERT** specific instructions to locate copies, i.e.: the first is located with my other important personal papers in my safe deposit box; the second is held by the clerical staff at ABC Centre; the third is on file with my attorney.)
23. Please bill my personal estate for the cost of professional time and any other reasonable expenses that may be incurred as the result of executing these instructions.
24. This Professional Will is established in and shall be governed by the laws of the Province of New Brunswick. I intend that this power of attorney be universally recognized and admissible in any jurisdiction.

Psychologist Signature

Date

Witness Signature

Date

Notary Signature

Date

Adapted From:

Ragusea, S.A. (2002). A Professional Will for Psychologists and other Mental Health Professional. In Vandecreek, L. & Jackson, T.L. (Eds.) *Innovation in Clinical practice: A Source Book (Vol. 2)* (pp. 301-305). Professional Resource Press.

CPBC Professional Will Materials, Spring 2008

(<http://www.collegeofpsychologists.bc.ca/docs/ProfessionalWillMaterials-Updated.pdf>)

APPENDIX II

Checklist and Summary

Closing a Practice due to Retirement, Illness or Relocation

1. Client Obligations:

- ✓ Inform clients as soon as practicable of your intention to close your practice.
- ✓ If not accomplished in the intake form, obtain authorization from the client to deliver the client record to another competent professional.
- ✓ Prepare transfer summaries where needed and, with client permission, call the therapist taking over the file to discuss the case in more detail.
- ✓ All case notes, client files, and progress notes must be up-to-date. All correspondence that pertains to a file should be answered.
- ✓ Check with your national organization, as well as your licensing board, and then call professional liability insurance provider. Make sure you have scrupulously followed all the prerequisites for closing a practice.
- ✓ Client files are confidential and this obligation continues after you have closed your practice. Clients have a right to view these files for the number of required years and afterward as long as they are in existence and in the possession of the therapist or a successor therapist. In case of any complaint, the preserved file is the first line of defense.
- ✓ Even retired therapists can sue and be sued, and may be subpoenaed into court at any time, either with or without the file. Therefore the file must be accessible as well as secure. The retained file protects both the provider and the consumer. *A well-preserved, complete file that cannot be located is no file at all.*
- ✓ Although a therapist may terminate the therapeutic relationship and close the practice at any time without obtaining client permission, there remains an ethical obligation to cooperate with a subsequent therapist in a meaningful manner. An available file will ensure that the information offered will be accurate and helpful to a subsequent therapist as well as the client.
- ✓ Continuing clients normally are entitled to an exit interview. The client should be advised of additional community resources, of other competent providers, and be provided with written post treatment recommendations. A termination letter would be appropriate.

- ✓ Individual client needs or circumstances may require a therapist to provide therapy even after all other clients are terminated. As with any termination, careful consideration must be given to the client's emotional and psychological condition and to timing the termination properly.
- ✓ For former clients who are only now discovering that the therapist's practice is closed, a recorded message should direct them to a relief therapist who has not reviewed their file but can have access. Confidentiality should be maintained.
- ✓ Client obligations continue for the statute of limitations period even after therapy has terminated. Confidentiality continues until the file is destroyed.

2. The Clinical File:

- ✓ Files should be summarized, indexed, and itemized so that they can be located.
- ✓ If in boxes, each box must be clearly marked and labeled.
- ✓ The storage facility must be secure, locked, dry, and free of mildew and rodents. Storing files after therapy has terminated and the practice has closed is a necessary expense.
- ✓ Access to client records must be limited to such individuals with a legal right to know the contents and a legal right of entry. All access should be on a "need to know" basis only.

3. Contracts to be performed in the future:

- ✓ Contracts with hospitals, insurance companies, and businesses have to be terminated. For example, many professionals have long-term contracts to provide mental health treatment to clients, employees, and staff. These must be terminated and other providers substituted, if possible.
- ✓ Rental agreements and contracts for telephone and fax services, yellow pages advertisements, Web pages, and other services must be timed to end on the retirement date or negotiated so they do not carry postretirement obligations.
- ✓ Cancel utilities, phone, and other services where appropriate.

4. Mail, Phone, E-Mail, and other Correspondence:

- ✓ Mail addressed to a closed practice should be forwarded to the therapist for response, if possible. Otherwise, a designated responsible professional should send a prepared letter to the addressee explaining the therapist's

unavailability and suggesting alternative resources. Some arrangements have to be made to access the file if therapeutically warranted or if desired by the client.

- ✓ A telephone message must notify callers of the closed practice and list alternative sources for treatments.
- ✓ If e-mail is used as a treatment option, it should be recognized in the intake and consent form and an “all points” e-mail should be sent announcing the closed practice and outlining alternative treatment options. Confidentiality is as important with e-mail as it is for other addresses and phone numbers. *Client information must be safeguarded regardless of the communication medium involved.*

5. Terminating Business Relationships:

- ✓ Most business entities have termination provisions and procedures established by contract. Before closing a practice, these must be reviewed to determine whether the parties have terminated in the prescribed manner. Litigation of any type should be avoided. Mediation, if needed, can be a big help to parting (soon to be former) associates.
- ✓ Many technical details must be taken care of to dissolve a partnership, corporation, limited partnership, professional association, and other created entities and relationships. Therapists should employ a lawyer and banker, as well as an accountant and financial planner to facilitate the dissolution.
- ✓ Usually a lawyer drafted written termination or dissolution agreement is appropriate.
- ✓ A handshake, pat on the back and good wishes do not comprise a sound legal dissolution.

6. Membership, Licenses, and Subscriptions:

- ✓ Continuing professional memberships should be terminated. Send notices to professional groups and organizations as needed. It is better to have a termination letter in the professional association’s file than for the provider to be finally dropped from the association because of delinquency or non-payment of dues.
- ✓ If your license is to lapse or terminate, make sure it is properly handled according to licensing board requirements.
- ✓ Ongoing subscriptions can either lapse or be stopped if a refund is possible. Some subscription contracts for advertisements and magazines have automatic renewal clauses, so cancelling such subscriptions in writing is preferred.
- ✓ Malpractice insurance may terminate on the date of retirement; however, it is important to obtain continued coverage for claims made due to past

actions. Check with your insurance provider and seek out all the options. Generally, it is a good idea to purchase a “tail”, a continuing policy that offers the provider coverage for all the years of practice whether or not any claim is or has been made or threatened. Such a policy enables the mental health professional to sleep at night knowing that past activities are covered by insurance to the extent of the policy coverage and limits.

Adapted from:

Bernstein, B.E. & Hartsell, T.L. (2000). *The Portable Ethicist for Mental Health Professionals* (pp. 157-159). Canada. John Wiley & Sons.

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