

Sequence VI: Ethics & Risk Management in the Age of the Affordable Care Act: Everything You Did Not Want To Know and Were Afraid To Ask

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Workshop Sequence VI diverges from the typical Trust approach to risk management training. Rather than focusing primarily on specific risk issues in psychological practice and strategies that minimize them, this workshop will focus on ethical and risk management issues as they relate to the broader changes in psychological practice that observers believe are and will be generated by the Affordable Care Act (ACA).

Depending on how successfully health care reform is implemented, the changes to psychological practice are likely to be profound, particularly for those behavioral health providers in third party reimbursed private practices. Providers have already been buffeted by the industrialization and external management of the health care industry that has reduced both income and job satisfaction yet increasing greatly daily administrative burdens. The ACA is aimed at increasing efficiency and efficacy in an attempt to reward results rather than procedures through more integrated medical homes that will control decisions about care.

There is some good news here. There seems to be a real understanding that mental health and physical health are intimately related and that treating them as separate "silos" results in greater costs and less effective service. Health care insurance will be available to many new patients, many of whom are poor and disadvantaged and many of whom will have substantial mental health needs. But this reorganization will require major changes in traditional methods and business plans of private practitioners, and it is crucial for all behavioral health providers to begin to plan for this change. So this workshop will attempt to describe the changes observers see coming and some preliminary thoughts about strategies for dealing with these changes. The problem is no one can predict how soon the change will occur and the exact shape they will take. But good risk management requires facing these trends knowledgeably and beginning to develop adaptive strategies.

In addition, this workshop will provide an updated focus on the changes in practice that will result from the digital information revolution. The ACA will require practitioners to digitize their records with interactive capacities so that care can be more effectively coordinated. More patients will want to communicate electronically, and there will be a great expansion of telepsychological services, both direct and adjunctive. There will need to be changes in the ethics code and other regulations to separate private from professional activities, to allow different methods of marketing and practice promotion, and to deal with the complex issues presented by inter jurisdictional practice.

This workshop will provide what is hoped will be a beginning conversation about a process that will be with all for a number of years-changes which present dangers and opportunities for the behavioral health profession.

Presented by:

Eric A. Harris, Ed.D., J.D., is a licensed psychologist and attorney in Massachusetts. He is a consultant to The Trust, through which he provides risk management consultation services to The Trust's insureds. Dr. Harris received his J.D. from Harvard Law School and his Ed.D. in Clinical Psychology and Public Practice from the Harvard University School of Education. Dr. Harris is also the legal counsel to the Massachusetts Psychological Association, where he served as the Director of Professional Affairs for ten years. He currently serves on the APA/ASPPB/Trust Joint Task Force on the Development of Telepsychology Guidelines for Psychologists. Dr. Harris previously served as a faculty member at the Massachusetts School of Professional Psychology and conducted a part time private clinical practice for more than 15 years. He served for many years on the APA Committee for the Advancement of Professional Practice (CAPP) and served two terms on the APA Committee on Legal Issues (COLI).

Dr. Harris has written, consulted and lectured extensively on risk management, legal issues, managed care, and coaching. He has represented psychologists before both ethics committees and state licensing boards and has been a consultant to both plaintiffs and defendants in mental health malpractice actions.

(6 CE Credits)

LEARNING OBJECTIVES:

At the conclusion of the presentation, participants will be able to:

1. Summarize the basic principles of The Trust's Risk Management Strategy.
2. Identify three major changes in the organization and delivery of healthcare services that will impact psychological practice.
3. Develop a strategy for transitioning to and working with electronic health record systems.
4. Develop documentation strategies for interacting with medical homes and other medical healthcare delivery systems.
5. Describe three boundary implications of technology and steps to address them.
6. Summarize the structure through which DHHS is increasing its HIPAA enforcement processes and their implications for practitioners.