

# Don't Cringe When We Suggest You Call Your Carrier

Russell S. Gold, PhD



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(rgold2@san.rr.com) is a Fellow and Past-President of the San Diego Psychological Association and past member of SDPA's ethics committee. He currently serves on the CPA Ethics Committee. He is in independent practice in San Diego focusing on psychotherapy and child custody matters.

A member calls for a consultation with the CPA Ethics Committee (EC). The on call committee member will, after hearing the situation described by the caller, suggest areas of the Ethics Code for the two of them to review together. Our model of consultation is to assist callers in looking at areas of the Code that we, together, identify as relevant to the issue at hand in order to enable callers to make their own decisions about any actions to be taken or avoided. The EC will not suggest a specific course of action but may make recommendations for further consultation.

When the presenting issue is one which suggests legal questions that must be explored in addition to ethical considerations, the EC member is likely to suggest speaking with Elizabeth Winkelman, JD, PhD, CPA Director of Professional Affairs, a mental health attorney, and/or a consultant through your malpractice insurance carrier. Many times when we suggest the insurance option, there is an almost audible gasp on the other end of the line.

The fear seems to be that seeking a consultation through our malpractice carrier could result in some punitive action toward the caller's coverage. With the hope that people's fears might be allayed, your writer called the two carriers providing malpractice coverage for most of us: The Trust and American Professional Agency. Keep in mind that consultation calls to the CPA Ethics Committee and malpractice carrier representatives are confidential.

Eric Marine from American Professional Agency said that he often receives calls about board complaints, subpoenas,

and working with children when parents' custody issues are involved. He said that he finds his work to be "walking callers through the minefield or telling them how to get out of the minefield." Occasionally, he will advise the caller to open a file with the carrier, but this decision is left to the caller. Asked if he wants people to call for consultations, he affirmed, saying, "It allows me to become involved if there's going to be a problem or how to minimize their exposure."

Martin Tracy, Chief Business Development Officer at The Trust, said that the gasp we hear on the phone is part of a "widespread concern. We hear that all the time." Regarding the privacy of the callers, he said that they are put in touch with one of three consultants with whom The Trust contracts which places a layer of privacy between the caller and Chubb, the current insurance underwriter for The Trust. As consultants, these "advocates" do not have a responsibility to the company that an employee might have. They know that the earlier an issue is addressed, the more likely fallout can be minimized or avoided.

Mr. Tracy echoed much of what Mr. Marine said about the most common calls that they receive. He added informed consent, release of records, and mandatory reporting requirements in different states. He said that The Trust views such calls as an aid to practitioners. If the advocates hear something that they believe is likely to become a claim, they will advise the caller to contact the carrier, but that decision is left to the caller.

In sum, two things are clear. First, our malpractice carriers welcome and encourage our calls for consultation. Second, the calls are private and do not threaten our coverage. So, please don't cringe if you call the Ethics Committee for consultation and the consultant you speak with suggests that you also discuss the subject with someone from your malpractice insurance carrier. These consultations generally can relieve quite a bit of anxiety and can help you head off problems down the road.

My thanks to Martin Tracy and Eric Marine for their insights, experience and the time they offered for this article. ■