

The Professional Will

By Michele Licht, J.D.

At the recent California Society for Clinical Social Work Annual Conference in San Diego, Beverlee Filloy, MSW, Ph.D. organized and led the much needed panel on the endings of practice. The panel was entitled, *Where There's A Will, There's a Way.* and included a presentation by Elise Blumenfeld, MSW, Ph.D. and Karlyn Hanks, MSW, Ph.D. on the professional will.

Q What is a professional will and why is one important?

A A professional will is a legal declaration of a professional's wishes for the disposition of his or her practice to take effect after the professional's death. In order to protect patients and your family, every therapist, young and old, should prepare a professional will. The clinical reasons for a professional will are clear: to lessen a patient's feelings of abandonment and confusion and to protect patient confidentiality even under the most difficult of circumstances.

In my practice I have handled several situations where a therapist died or became incapacitated without leaving any instructions. It is quite a nightmare not only for the patients but for interns, officemates and family.

Q What should be included in the professional will?

A The following should be included:

- (1) A designated therapist or small committee of therapists, who would be available to step in and carry out your instructions. Elise Blumenfeld and Karlyn Hanks call this the "emergency team."
- (2) Your authorization for the emergency team to have access to your clinical and financial files and to contact patients.
- (3) A list of current patients to be called to cancel appointments and arrange for consultation and referral.
- (4) A list of former patients who should be contacted.
- (5) A caring letter to patients can also be attached to the instructions.

Q What specific instructions for the "emergency team" should be included in the professional will?

A The professional will should tell the emergency team where to locate your appointment calendar, patient lists with telephone numbers, computer codes, voice mail codes, special keys, financial records, and anything else they will need in following through with your instructions.

The emergency team should be instructed to offer a face to face meeting with patients and to provide three referral sources which can include a member of the emergency team. Specific instructions can be given for patient requests to attend the funeral, patient contact with your family or patient requests for a status report in the event the therapist is incapacitated.


Q What instructions should be included for interns?

A When a supervisor becomes incapacitated or dies, if that internship must be registered with the Board of Behavioral Science Examiners (BBSE), the intern cannot continue to see patients until the BBSE approves the new supervisor. The emergency team should be instructed to offer interim therapy until the registration is processed.

Q What instructions should be included regarding patient records?

A Instructions should be provided for the safe storage of records. Patients should be informed that upon their written request, records will be transferred to any therapist they designate or to themselves, (unless the instructions for the emergency team specify that records should not be shared with a particular patient because of concern of adverse consequences to that patient).

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