



CCPA NET Letter

www.psychselect.com/ccpa

Collin County
Psychological Association

October 2007
Volume 16, Issue 9



ETHICS & FORENSIC ISSUES JOHN BEATY, PHD

Thank you John!, for an informative question and answer session on forensic evaluations and ethics issues. Please read the followup article by John.
Subpoena Facts

Our last CCPA meeting, **Ethics and Forensic Issues**, involved the discussion of subpoenas and

whether all subpoenas are valid and must be responded to by a professional. Specifically, many subpoenas are issued by attorneys out of their offices and do not come directly from the court and are not signed by the judge. Each time we have an ethics presentation there seems to be confusion about having to respond to attorney generated subpoenas.

(Cont. in Mentor's Corner)

NEXT CCPA MEETING LOCATION !
TINO'S MEXICAN RESTAURANT
SOUTH MAIN ENTRANCE
COLLIN CREEK MALL

"NEUROFEEDBACK THERAPY"

9/28—12 Noon Ψ **J.D. Massingill, MS LPC**

**PLEASE PLAN TO ATTEND AND
BRING YOUR COLLEAGUES**

Inside this issue:

UPCOMING 2
Meetings

Review your 2
Listing!

**IT IS TIME TO RE-
NEW! GET your
CCPA Member-
ship Application!**

See CCPA Website

Opportunities! 2
Office Space,
Groups and More

President's 3
Column

Mentor's Corner 4
SUBPOENA

FACTS

FUTURE MEET- INGS:

- 9/28 –
NEUROFEED-
BACK— TINO'S
12 Noon
- 10/28—CUSTODY
EVALUATION
UPDATE —
TINO'S
12 Noon
- 12/7– HOLIDAY
SOCIAL—7 PM
**HOME OF
FRANK & PATTIE
WICHERN, 5208
LASER LANE,
PLANO 75023**

UPCOMING MEETINGS—SCHEDULE THESE NOW!

Our monthly meetings are held from 12:00 noon to 1:30 p.m. on the 4th Friday of each month at TINO's Mexican Restaurant, Collin Creek Mall, Plano, unless otherwise specified. Tino's is in the South Main Entrance on the west side of 75. Members may order lunch from the menu, or just enjoy the presentation. 1.5 CEU credits are given to members for attending the meeting.

Sept 28— Neurofeedback, J.D. Massin-gill, MS LPC- 12 Noon, Tino's, Collin Creek Mall, Plano

Oct 26- TBA

**December 7—HOLIDAY SOCIAL—7 PM
HOME OF FRANK & PATTIE WICHERN,
5208 LASER LANE, PLANO 75023
RSVP: 972.234.3178 or wichern@att.net**

PLEASE CONTACT JASON SIMPSON IF YOU ARE INTERESTED IN ATTENDING A ROUGH RIDERS BASEBALL GAME IN FRISCO. HE HAS A SPECIAL "IN" AND IT WILL BE FUN!

Dr.Simpson@Synergistweb.com

PLEASE CHECK YOUR REFERRAL INFO. ON www.psychselect.com/ccpa! We try to keep it up to date, but we need you to verify your location and phone info. Remember you need to be current on dues to be listed!

OPPORTUNITIES!

Experienced Therapist Needed

Fletcher & Associates Psychological Services, P.A. is a private practice that offers a multi-dimensional approach to service provision. We are seeking an experienced therapist with a current state license to join our practice. Approximately 15 hours per week. Candidate should have experience providing individual and group therapy in a private practice setting. Candidate will be responsible for clinical documentation, positive interaction with team members and ongoing referral generation. Interested candidates may contact DrFletcher@FletcherPhD.com or call Susan at (972) 612-1188.

Office Space

Several 200 sq. ft. offices with waiting area available. Located in Richardson near UTD.

Office with other mental health professionals.

Contact Frank Wichern at 972-234-3178 or wichern@att.net

Services -Groups

Gordon Sauer currently has groups running for 5th grade girls, 5th grade boys, 3rd grade boys, 7th grade boys and 10th grade boys. Contact Gordon at Gsauerphd@aol.com

Speaking Opportunity

I am the programs coordinator for Allen Early Childhood PTA. We are an organization of about 75 members, primarily mothers of preschool aged children. I am looking for a speaker/speakers who would be able to present a ~1 hour program on either building children's self-esteem or healthy marriage topics. We would be open to other topics relating to preschool aged children.

We are a non-profit group with very limited financial resources and would appreciate any connections you could provide. Contact: Donelle Wiechman programs@aecpta.com (214)509-9455

LET THIS SPACE WORK FOR YOU! Advertise your specialty or service so our members can refer or utilize it! Send to: wichern@att.net

CCPA PRESIDENT'S COLUMN:

Greetings CCPA members!

September 2007



Thank you, Dr. John Beaty, for the time, effort (and handout materials) you shared with us on August 24th in presenting the review of ethics and forensic evaluations. We need to constantly remind ourselves of the many potential pitfalls inherent in the practice of psychology. Regarding that issue, I would like to recommend a book which I have found to be a helpful resource. The title is “*The Portable Lawyer*” and it was co-written by Barton Bernstein, J.D., LMSW, and Thomas Hartsell Jr., J.D. Attorney Hartsell has a practice in Plano and he specializes in representing mental health professionals facing legal issues and/or Board action. This made the book more valuable to me because Hartsell practices in Texas and has advice and suggestions specific to the Texas mental health professional. In Chapter 15 entitled “Sliding Fee Scales”, the authors advise that flexible fee policies present a dangerous legal trap for mental health professionals. They write: “Many statutes, such as Article 21.79 E of the Texas Insurance Code, criminalize the charging of different fees for the same service, where the higher price is based on the fact that an insurer pays all or part of the fee.” More specifically, “giving an uninsured client a break and charging a lower rate than would be billed to an insurance company could result in a criminal conviction. Fines and imprisonment are possible penalties even for the best-intentioned therapist.” It appears that therapists **can** use a sliding fee scale if insurance or lack thereof is not the **only** factor considered in determining the rate. Bernstein and Hartsell advise that if we are to have a sliding fee scale it must be made known to each prospective client, insurer (as applicable), or managed care company. Further, if the therapist has existing managed care contracts in which an hourly rate has been set but the therapist wishes to use a sliding scale, each managed care company must be informed of the change in the fee structure, schedule, and policy. The authors also remind us to never waive a copay. They know of several therapists who waived copays and have been sued for refunds on fraud grounds. I’m certain that TSBEP would take a dim view of such an action brought against one of its licensees.

If you have not already done so and wish to weigh in with the Board regarding the adding of 3 CEU’s (in the area of Diversity) to our annual requirement, you may send an email to brenda.skiff@tsbep.state.tx.us and offer your opinion. The Board has solicited input from Texas practitioners. I hope you will offer your comments to the Board on this issue.

I hope to see many of you at our next scheduled meeting at Tino’s on September 28th. The presenter will be J.D. Massingill, MS LPC and the topic will be the utilization of neurofeedback. Also, TPA will be holding its annual conference in San Antonio this year from November 15th through the 17th at the Westin La Cantera Resort. The convention offerings are listed on the TPA website.

As always, if you have requests for topics you would like to see presented at our monthly meeting, please contact me or any of the Board members. We would be very happy to try to make it happen. Have a good September and I hope to see you soon.

Gary Chase, Ph.D.

You may contact me at gary@drgarychase.com

**Collin County
Psychological Association**

600 W. Campbell Road
Suite 5
Richardson, Texas
75080
www.psychselect.com/ccpa

*The network of psychologists that
connects!*

CCPA EXECUTIVE COMMITTEE

Sarah Spreda, Ph.D.

Past President

Gary Chase, Ph.D.

President

Gary Grossman, PhD

President Elect

Jason Simpson, Psy.D.

Secretary

Frank Wichern, Ph.D.

Treasurer

**ANNOUNCEMENT OR OTHER
RELEVANT INFORMATION,
CONTACT CCPA: wichern@att.net**

BOARD MEETINGS:

Please attend!

600 W. Campbell Rd #5,
Richardson

NOON – First Friday of month!

**PLEASE
RENEW YOUR
CCPA
MEMBERSHIP!**

**Application at:
www.psychselect.com/ccpa**

MENTOR'S CORNER: *CCPA encourages it's members to build profitable, ethical practices. These tips are timely and* we solicit your suggestions, recommendations and **Questions!**

(Cont.) Several forensic resources stipulate that any subpoena, whether judge signed or from an attorney, or from an individual who is representing themselves *pro se*, must be responded to by the professional. Ackerman, in his 2006 text on custody evaluations, states "A subpoena carries a weight of law with it. Failure to comply may lead to being found in contempt of court, resulting in fines or prison sentences. Depending on the state, subpoenas may be issued by attorneys without court signature..." In **Texas Law and the Practice of Psychology** (2005), J Ray Hays, Emily Sutter, and Robert McPherson have compiled statutes and Attorney General Opinions about many issues including subpoenas. It is clear from these opinions that the professional must respond to a subpoena but not necessarily comply. As we discussed, one may first discuss with the attorneys involved that information is privileged and work out some compromise, or one may go to court and seek to quash the subpoena. The court will rule either to comply or may rule to quash. Part of our Ethical Standards are to work with our community and other professionals in a respectful and reasonable manner, so in my opinion we are obligated not to be obstructive or defensive, but find a way to satisfy the legal system and as much as possible protect our clients' rights to confidentiality.

For the state of Texas, the law concerning subpoenas is found in the Rules of Civil Procedures (Google it) and in Rule 45 Subpoena. It is clear here that Texas is attorney friendly in this regard, not requiring the judge's signature. Attorneys have the authority to issue subpoenas and the court clerk may sign blank subpoenas with the signature of the court clerk, so that other parties to a case may file a subpoena. Usually, the subpoena is notarized (by the attorney's notary) and delivered by a constable or other designee approved by the court. Subpoenas may also be transmitted electronically. Section E of the rule states "Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued."

I hope this clears up the subpoena issue which always rears its head and seems to cause confusion. Stay out of trouble.

John Beaty