

Disputes Over Fees

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... Here's a useful and common case example that may save you from a complaint or lawsuit by the patient. A lot of complaints (of various kinds) stem from a dispute over fees. Suppose the patient is somewhat behind in his payments and that he owes you \$750.00. He now demands, in writing, pursuant to the applicable law in your state (or HIPAA, if you are a "covered provider"), a copy of his records. My advice is usually as follows: "You should comply with the request (or resist, as may be allowed by law and as the circumstances warrant) in a timely fashion, and in the process, mention nothing to the patient about the amount owing and certainly don't condition your compliance upon receipt of payment (partial or otherwise)." Treat them as two unrelated matters. Ethical standards typically address this issue in a similar fashion, as do some state laws.

... Another scenario involving fees that often leads to problems is where the amount owed, as it rises substantially, creates a debtor-creditor relationship, which, together with the therapist-patient relationship, may arguably constitute an unethical dual relationship. Why did the therapist allow the unpaid balance to rise so dramatically, putting financial pressure on the patient? Why didn't the therapist refer to a low cost clinic? Why did the therapist exploit the patient financially and make her a debtor of the therapist? I once received a call from a therapist who said, "I need a good collections attorney. Can you refer me to one?" I asked her how much the patient owed her and she told me \$20,000.00. I said: "In my opinion, you don't need a collections attorney, you need a malpractice attorney." We then chatted for a while!