

Scope of License

written by Richard Leslie | May 24, 2016

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... Each licensed mental health professional and other licensees are governed by a licensing law of some kind that will usually define the functions of licensees and prohibit anyone not so licensed from performing those functions for remuneration of any kind. Practitioners must be familiar with the scope of the license and must not forget that they may be licensed to treat, for example, mental and emotional conditions rather than physical ailments. I recall a licensed mental health practitioner who, in defense of charges of sexual misconduct and gross negligence, explained that he massaged the patient's shoulder and back because she complained of physical pain in that area. One of the findings against the practitioner was that he was practicing outside the scope of his license - treating physical pain by touch/massage.

Mental health practitioners will occasionally engage in other actions that raise scope of license questions. For example, I have spoken with several practitioners who have expressed opinions and made recommendations to patients concerning the medication being prescribed by the physicians who are also seeing the patients. This gets into dangerous territory (practicing medicine without a license), even where the licensee has had coursework and training in psychopharmacology. Another example of a possible scope of license problem for practitioners involves suggestions or recommendations to patients about dietary supplements and related nutritional advice to deal with psychological problems. Care must be taken to have or acquire a thorough understanding of the limits to the scope of the license - no matter how competent one may be in a given area of rendering services.

Of particular concern is the issue of diagnosis and treatment of mental disorders, including severe mental disorders. Does your particular license allow such practice? Will you have difficulty proving that you have such authority if questions are asked by some insurer who is questioning whether or not there was appropriate billing for services rendered? What would the licensing board say if it were asked such questions by an insurer? It is important that practitioners be sure that they have the legal authority to engage in such activity. These can be thorny areas, depending upon the applicable state law and the kind of licensee involved.

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