

The Importance of Consent Forms in Your Mental Health Practice

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Informed consent refers to the process whereby the patient and the practitioner engage in a dialogue about a proposed treatment's nature, benefits, risks, and alternatives. Informed consent for therapy or counseling services between the patient and the practitioner reduces the risk associated with treating a patient in any way. The topic of consent in mental health is handled very differently across states and professions.

In some states and in some professions of mental health informed consent is required, while other states or professions may be more lenient, and informed consent is not a requirement. We recommend first and foremost to know your state's ruling on informed consent as well as what the ethical standards of your profession are.

Informed consent when done well opens a dialogue between the patient and provider so that the patient can ask questions, knows what to expect during and after treatment sessions, and can at least theoretically help to avert treatment errors. It is the practitioner's role to inform the client of all of the benefits and risks associated with treatment sessions that are being suggested.

Why is a consent form important for you as an independent Provider in the Mental health field

A consent form acts to provide information and clarification for patients and may also offer some protection from liability for your mental health practice, while clearly defining and establishing the client-practitioner boundaries in the relationship. A signed statement from the client expressing both their desire to participate in and their full acknowledgment and understanding of the nature and purpose of the therapy sessions is an appropriate way to start a relationship with a new client, however not required in all states.

Some states require a signed consent form prior to treatment beginning, while some suggest it but don't require it. It's important to know how your state rules on informed consent, to ensure you are in compliance with the state laws.

The following list offers some reasons why it is a good idea for your practice to have a client consent form:

- Ethical: Consent for services is the foundation and framework for building a safe and ethical client-centered practice where clients are honored and feel empowered.

- Informational: A consent form offers specific information about the kinds of services you can legally and ethically provide as well as any limitations.
- Notice: Gives clear notice of the session content, training, and background of provider, session fees, fee policies, payment structures and client responsibilities
- Legality: When a provider offers information and explanations of what will occur and client gives full consent in writing, if a lawsuit is brought against the practitioner the consent form may be used in the defense for the case. Mental Health malpractice insurance is an additional layer of protection and may pay for the defense costs should a covered claim be made.
- Defines Boundary: A consent form helps create the opportunity to discuss and define important physical and professional boundaries for both the client and the practitioner. This is a very different relationship model than traditional medicine and there are more boundary considerations.

Reducing your risk as a mental health practitioner is key to protecting your practice. Mental Health malpractice insurance for your practice protects you against claims that could arise from an upset patient.