

## Pre-licensed Employees - Disclosures

### Avoiding Liability Bulletin - February 2012

... Pre-licensed employees, such as registered interns or those similarly titled, should disclose to clients at the outset of treatment that they are not licensed, that they work under supervision, and the name of their employer. In some states, one or more of these disclosures are required by law or regulation, or by applicable ethical standards. The reason why these disclosures should be made, whether they are required or not, is that they are fundamental to the client's understanding of the nature of the professional relationship they are about to enter upon. If there is a misunderstanding about such basic and fundamental issues, it could lead to liability for the pre-licensed person and for the employer.

Allegations that the practitioner held himself/herself out as being licensed, or did nothing to dispel that belief by the patient, are more easily answered if the disclosures made (especially those made in writing) clearly indicate that the practitioner is not licensed. I believe it is useful to specifically inform clients – for example – “I am not a licensed marriage and family therapist. I am a marriage and family therapist registered intern (or whatever the exact title of the status is under state law). I am employed and supervised by \_\_\_\_\_, who is a licensed marriage and family therapist.”

The consumer of health care services has a right to know the name of the business entity where the treatment is taking place and who owns the business. Usually, the client will write a check to that entity or to the individual owning the business. Some may not realize or may ignore the fact that there are advantages to making these disclosures. The main advantage is that a claim alleging that the practitioner had the intent to deceive is virtually eliminated.

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