

# Patient Management Upon Risk of Termination: Offering One or More Free Sessions

## Avoiding Liability Bulletin - February 2012

... In the January 2012 issue of this Bulletin, under the title of [\*Termination Of Therapy When the Client Stops Attending Sessions\*](#), I wrote about the situation where the client stops coming to therapy. A reader had asked about the therapist's liability for suicidal behavior and safety of the client and whether the therapist had to "close the file" and send notification to the client. As described in the article, these situations occur when the client may have unilaterally terminated without communicating a termination to the therapist - there are simply successive missed sessions without any communication. I pointed out that it is dangerous to allow such situations to occur because there can be liability, depending upon the circumstances, for acts that occur after or between the missed session(s). The therapist should want to seek clarity about the status of the professional relationship. As far as the therapist may know, there has been no termination.

In the article, I explained that when clarity about the relationship is sought by the therapist, the patient may then inform the therapist of the intent to end therapy. I also indicated that the therapist will be in a better position to discern what action may be warranted, and I indicated that the therapist may want to let the patient know that one or more termination sessions are appropriate and that there will be no charge for these sessions. The reader wrote to express dismay at my statement regarding the free sessions, indicating that I was essentially stating that the offer of free sessions was required. To the contrary – such an offer is not required.

The offer of one or more free termination sessions, however, is something that therapists have used with patients in such situations. These situations may involve patients who are, for one or more reasons, upset with the therapist or the therapy and who simply walk away – they do not attend one or more successive sessions. These situations may be more likely to result in some kind of claim, complaint, or lawsuit against the therapist or counselor. Practitioners in such situations should know that their conduct may come under scrutiny. It is in this context that the therapist or counselor may decide to offer the patient (who may already be reluctant to attend further sessions) one or more free sessions in order to seek appropriate closure.

The practitioner may believe that the patient will be unwilling to accept the offer, but may want the patient's treatment records to reflect that the offer was extended and refused. Such action, by no means required, may help the therapist feel more confident that when his or her actions are later reviewed, he or she will appear to have acted reasonably and ethically. Moreover, if the patient accepts the offer, this may provide the therapist with an opportunity, not otherwise available, to repair the relationship.

