

The Importance of Consent Forms in Your Mental Health Practice

Informed consent refers to the process whereby the patient and the practitioner engage in a dialogue about a proposed treatment, its 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 means that the patient and the practitioner agree that the patient will participate in treatment during and after treatment sessions, and that the practitioner will not avert treatment if necessary. 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 a provider in the mental health field?

A consent form is used to inform patients and may also inform patients and may also inform patients 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 knowledge and understanding of the nature and purpose of the therapy is an essential 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 are 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 trust and rapport with the patient where the patient is heard and feel empowered.
- **Informational:** A consent form offers specific information about the kind of services you can legally and ethically provide as well as the limits of the relationship.

- Notice: Gives information of the practice, training, and background of provider, office location, fee schedule, payment structures and other relevant information
- Litigation: When a provider offers informed consent and explains what will occur and client gives full informed 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 Boundaries: A written form highlights the opportunity to discuss and define appropriate and professional boundaries for both the client and the practitioner. This is a very different relationship model than traditional medicine and therapy may be boundaries need to be defined.

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.

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