



AMERICAN COUNSELING ASSOCIATION

American Counseling Association

“Dedicated to the growth and development of the counseling profession
and those who are served”

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50 years!

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TRANSFER PLAN COUNSELOR INCAPACITATION OR TERMINATION OF PRACTICE

"As a service to members, the American Counseling Association has partnered with Walsh and Dasenbrook, consultants in counseling practice management, to offer a series of bulletins on various private practice topics. This series includes timely information on starting or expanding a private practice, buying and selling a practice, transfer plan, informed consent, HIPAA, managed care and insurance companies, strategies for enrolling as providers and frequently asked questions."

Walsh and Dasenbrook have co-authored, *The Complete Guide to Private Practice for Licensed Mental Health Professionals 4th edition*. Their Guide contains the latest information on marketing, advertising, office procedures, dealing with managed healthcare and insurance billing. It also contains a CD-Rom with all the forms necessary for your practice. The Guide and all the forms necessary for your practice can be purchased through their web site at Counseling-PrivatePractice.com. For more information you can contact the authors at 3703 N. Main St. Suite 100 Rockford, IL. 61103 815.877.0399

TRANSFER PLAN

Every professional counselor in private practice needs to have procedures in place detailing what will happen to current clients and records should the professional counselor leave the practice, die, or become disabled and unable to practice. The American Counseling Association (ACA) in the most recent code of ethics addressed this issue. Section C.2.h., Counselor Incapacitation or Termination of Practice states, “When professional counselors leave a practice, they follow a prepared plan for transfer of clients and files in the case of their incapacitation, death or termination of practice. Counselors prepare and disseminate to identified colleague or records custodian a plan for transfer of clients and files (Code of Ethics available at Counseling.org).” As a result of this provision, all professional counselors who are covered by the ACA code of ethics are mandated to comply. Other disciplines should consult their code of ethics or implement a transfer plan.

This transfer plan is a notarized document that names another mental health professional or practice as “custodian” to provide the following services in the event of your incapacitation, death or retirement. The essential components of this document include the following:

- **Access information or protocol provided to custodian.** The professional counselor will provide the custodian location(s), keys, passwords, access codes and other information necessary or a protocol to obtain this information in order to execute the transfer plan.

- **Notify all active clients of inability to practice.** The custodian will send a letter to all active clients notifying the client of your inability to practice. The custodian will offer to provide on going counseling services (if clinically appropriate) or provide referrals to the most appropriate service provider.
- **Possession of clinical records.** The custodian will take possession/responsibility of the clinical records and inform all active clients on procedures to access their clinical records.
- **Requests for information.** The custodian will respond to a request for information in concert with state laws, HIPAA guidelines and code of ethics.
- **Maintaining and destruction of clinical records.** The number of years that the custodian will maintain clinical records (post treatment) must be specified. The number of years may vary based on state law, discipline or agency requirements. A general guideline would be that clinical records would be maintained for a minimum of seven years for adults and ten years for children.
- **Custodian's contact information included in the informed consent document.** For example, "In the unlikely event that I am unable to provide ongoing services John Smith, LPC will provide those services or will refer you to the appropriate resource. He will maintain your

records for a period of 7 years. John Smith, LPC maybe contacted at 1-874-123-4567.”

(Go to Private Practice Pointers under Counselors on ACA’s website Counseling.org for more information on the informed consent document)

Beyond the transfer plan, consideration should be given to the business side of the practice in the event of your incapacitation. Who will be empowered to write checks, make withdrawals or deposits, pay bills and collect fees? Some practice consultants recommend a power of attorney document naming those individuals who can conduct business if you cannot.

For more in depth information on this or other private practice topics, ACA members may log on to the web site and click on Private Practice Pointers. Not a ACA member? Sign up today and join the largest professional organization that represents you and your profession. Please be sure to read Bob Walsh and Norm Dasenbrook’s column, *Counseling in Private Practice*, in Counseling Today. For templates of the transfer form and other private practice documents please see “*The Complete Guide to Private Practice for Licensed Mental Health Professionals*” by Walsh and Dasenbrook, available online at Counseling-Privatepractice.com.

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