

# Marin County Psychological Association

A chapter of the  
California Psychological Association

On-line Newsletter, October 2004  
Volume I, Number 2

## **2004 Officers**

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Sue Fleckles, Ph.D.  
927-7566

### **President elect & Program Chair**

Grace Rogers, Ph.D.  
662-2388

### **Past President**

Roberta Seifert, Ph.D.  
456-1777

### **Treasurer**

Fred Rozendal, Ph.D.  
679-0997

### **Secretary**

Ann Buscho, Ph.D.  
456-0952

## **Committee Chairs**

### **Continuing Education**

Carolyn Bray, Ph.D.  
892-5639

### **Directory**

Empty

### **Disaster Response**

Tana Clark, Ph.D.  
924-6935

### **Ethics**

Sylvia Mills, Ph.D.  
421-3030

### **Governmental Affairs**

Mark Kamena, Ph.D.  
460-6369

### **Information & Referral**

#### **Co-chairs**

Christine Gazulis, Ph.D.  
646-0822  
Bethany Miller, Psy.D.  
518-7999

#### **Membership**

Roberta Seifert, Ph.D.  
457-1777

#### **Newsletter – rotating**

This issue: Fred Rozendal, Ph.D.

#### **Public Education & Marketing**

Barbara Khurana, Ph.D.  
460-9030

#### **Student Member**

Joy Stevenson.  
459-5999X411

## **EDITOR'S COLUMN**

Fred Rozendal, Ph.D.

Dr. Sue Fleckles, our President, has started many projects this year, one of them this newsletter in electronic form, which is a major cost savings for MCPA. She invested a great deal of energy in the “start up” as well. Thanks, Sue!

In this issue, we are adding a form of distribution by “pushing” the newsletter via attachment to e-mails sent directly to you so you do not have to search on-line for it, as well as providing an on-line posting (where you can “pull” it and previous copies).

Several positions are vacant or about to be, and we are searching for individuals to serve in these positions; they are: Directory, Continuing Education, Marketing, and Newsletter Editor. If you have an interest in serving in any of these roles for the coming year, please contact Dr. Fleckles or Dr. Grace Rogers.

This is an active season for MCPA: make sure you mark your calendars and join in!

Law and Ethics workshop	Oct. 23	Four Points Sheraton, Terra Linda
I&R Annual Meeting	Nov. 5	Town Center, Corte Madera
Annual Meeting	Nov. 19	Inn Marin, Novato
Holiday Party	Dec. 3	Home of Mark Kamena

(More details, last page)

## **TABLE OF CONTENTS**

Page	ASSOCIATION BUSINESS
1.	Editor's Column.....Fred Rozendal, Ph.D.
2.	President's Message.....Sue Fleckles, Ph.D.
3.	President Elect's Message.....Grace Rogers, Ph.D.
4.	Executive Committee Meeting Minutes, Secretary.....Ann Buscho, Ph.D.
6.	Treasurer's Report.....Fred Rozendal, Ph.D.
6.	Continuing Education: Law and Ethics.....Carolyn Bray, Ph.D.
7.	Disaster Response.....Tana Clark, Ph.D.
7.	Ethics: The US Patriot Act and confidentiality.....Sylvia Mills, Ph.D.
8.	Governmental Affairs.....Mark Kamena, Ph.D.
9.	<b>2004 members</b> .....
10.	Information and Referral.....Christine Gazulis, Ph.D.
10.	Membership.....Roberta Seifert, Ph.D.
	ARTICLES
10.	Internet: Got therapy?.....Joanie Gillispie, Ph.D.
12.	Using CPT Codes.....Mark Kamena, Ph.D.
14.	Recollections.....Grace Rogers, Ph.D.
15.	ADVERTISEMENTS.....
17.	Final MCPA Notes.....

**President's Message:**  
**The Advantages of Professional Associations**  
Sue Fleckles, Ph.D.

One of the real advantages of being a member of a local professional association is the opportunity to speak with others, especially when not sure of what to do. In addition, discussing cases with others gives us a chance to not be working in a vacuum, to have that all-important sounding board, and hear some new ideas. This is invaluable in our field, where we must see our patients individually and privately. It is very important to have colleagues with whom to chat and consult.

As psychologists practicing today, we have many constraints. The most important by far is the ethical code of the American Psychological Association. This code gives us the ethical standard of practice for all psychologists, in each field, across the country. It does not matter if you are not a member of APA; you still have to follow this standard of practice nonetheless. Those who offer substandard services will be lacking referrals from anyone who knows about those practices and open for censure.

We also have the California Psychological Association, where the specific state laws are communicated to us, as well as ideas for adding and changing laws. (New laws are added to our standard of practice by the Board of Psychology.) This is very helpful in terms of keeping us abreast of what is happening in lawmaking and how we can influence our lawmakers. Our Representative to the CPA Board is most

important in helping shape the California Psychological Association and influencing our local lawmakers. Most valuable for us is the direct communication we receive from our Board Representative.

The American and California Psychological Associations set the standards of practice. Now we have the Federal Government with the Patriot Act, creating what it wishes – with many new rules and regulations. These regulations are not among our standards of practice, and have just begun to be tested in the courts. Recently two of the regulations (not related to psychology, but to individual rights) were tested in the courts and thrown out as unconstitutional. I am sure some of us, if presented with a situation relating to one of our patients, will follow those rules, while some will decide it is worth a court battle. (The expense of a court battle is often a determining factor.) The lack of confidentiality and privilege in the Patriot Act are certainly inconsistent with our standards of practice, and the secrecy is in violation of everything for which we stand.

Many psychologists see patients with insurance and/or managed care. Here again we have a whole other flock of rules from the insurance companies. Many of these may also be inconsistent with our standards of practice; certainly they were when managed care first came on the scene. Now most patients already know that to use their insurance means a compromise in confidentiality. So as long as we discuss with patients the requirements of the managed care system, or their particular insurance company, most psychologists can see these patients in good conscience. It is

often wise though, to also discuss with them the option of private pay, so that they could have the last word, and the privacy to which they are entitled.

Being a member of our three professional associations gives you the opportunity to keep up to date on the latest legislation and standards of practice. In this way you can have an ethical practice, a practice in which you are wholly comfortable. Until the next question comes up, because none of us knows all the ways to handle everything! Then you have the opportunity to consult with those who hold the office which pertains to the problem. If there is any question in that person's mind, it goes to the next level, until you find the correct answer, even if it is not the answer you sought. A practice which is consistent with the current standards is not difficult to attain nor to maintain, and with that comes the comfort of enjoying what you have studied and worked toward for so long.

### President-Elect's Message Grace Rogers, Ph.D.

I have heard a lot of enthusiastic response as well to our second (and last for this year) dinner-speaker meeting with Dr. Philip Erdberg sharing his knowledge about risk assessment and violence prevention. He left us with a useful handout and reminded us that no one can make neither absolute risk judgments nor probabilistic ones (e.g. 80% chance that someone will or won't do something). What we can do, when appropriate, is discuss our level of concern after considering multiple sources of information. We can also give recommendations concerning the management of potential risk. He always seems to have fun doing this and

our thanks go out to our guests who volunteer their time for our organization.

This meeting was held at the conference room at the Inn Marin, and everyone found it accessible, very pleasant, and easy to work with regarding such other factors as budget. Thus we are holding our annual business meeting there, Friday, November 19<sup>th</sup>. I will send out fliers when it gets closer.

**PLEASE NOTE THE CHANGE OF DATE:** Our annual business meeting will be Friday, November 19<sup>th</sup>, 2004 starting at 6:30 p.m.

This meeting is very important for the vitality of MCPA. Plus, this year it will have a new component as we share with members the highlights from our first Board retreat being held in October. The annual meeting is an opportunity to both learn and share in our chapter's activities. The field of psychology has many complex professional, community, and political interfaces that the professional organizations are involved in. Our chapter tries to do this at our local level and the degree to which we are active in the community changes with both the needs of the individuals who are active and the needs of our community. So, our members at this meeting can learn about what their board and various committees have been up to and can ask questions and briefly comment. If members have particular programs they might be interested in creating, this is also a good place for such investigatory germination. MCPA is a volunteer organization and needs everyone's contributions to its vitality. This meeting also often provides a bit more opportunity to get to know others who are active than the dinner/speaker

meetings. All of us on the board are looking forward to seeing you at this meeting.

CALENDAR HIGHLIGHTS for the end of the year:

**Saturday, Oct. 23**     *APAIT Risk Management Seminar* (you should have gotten information on this in the mail by now. If not contact Deborah Davis in CPAs membership department 916-286-7979, ext 122 or [www.calpsychlink.org](http://www.calpsychlink.org) where registration forms can be downloaded).

**Friday, Nov. 19**     *Business Meeting*  
-- PLEASE NOTE CHANGE OF DATE

**Friday, Dec. 3**     *Holiday Party*

**Minutes of the MCPA Executive Committee Meeting: 9/22/04**  
Ann Buscho, Secretary

The meeting was called to order at 7:30 p.m.

**Attending:** Sue Fleckles, Ph.D., Grace Rogers, Ph.D., Roberta Seifert, Ph.D., Ann Buscho, Ph.D., Fred Rozendal, Ph.D., Mark Kamena, Ph.D., Carolyn Bray, Ph.D., Sylvia Mills, Ph.D., Christine Gazulis, Ph.D., and Barbara Khurana, Ph.D.

**Excused:** Tana Clark, Ph.D., Joy Stevenson, M.A.

**President's Report: Sue Fleckles, Ph.D.** raised the issue of reducing dues 50% for newly licensed psychologists to encourage involvement in MCPA. Discussion centered around Mark Kamena's suggestion of \$40. M/S/P. Sue also suggested that the EC read and discuss the Disaster Response SOU

(Statement of Understanding) presented by Tana Clark at the last EC meeting. EC will confirm our approval and sign it at the next (annual) meeting. In the interim, Sue asked Mark Kamena to act as the contact person for MCPA in the event of a disaster in the county, and he agreed to do so.

Board members also discussed a policy that encourages board members who retire from the board to find replacements for themselves to serve on the board.

**President-Elect's report: Grace Rogers Ph.D.** raised the issues of where and when to hold the annual meeting. She is continuing to explore venues and caterers. The board discussed options of meeting during the week versus weekends.

Grace then announced that the Annual Meeting will be held on November 19, at a soon to be designated locale, and that the Holiday Party will take place on December 3, at Mark and Paula Kamena's home. Grace also reported that CAMFT is interested in continuing the shared-speaker-dinners with MCPA.

**Treasurer's report: Fred Rozendal, Ph.D.** reported an improved budget with savings from reduced Yellow Pages advertising and the electronic newsletter, which saves printing and postage costs. The next two months have significant income (membership renewals; workshop) and expenses (holiday party), but budget appears robust overall.

**Continuing Education Committee Report: Carolyn Bray, Ph.D.** reported that 19 attendees have registered so far for the Law and Ethics workshop on

October 23<sup>rd</sup>. About 85 attendees are anticipated.

The EC discussed renewal of CEU provider status and agreed to continue. MCPA could provide CEU's for speaker-dinner meetings, but someone needs to do this paperwork (minimal for MFTs and LCSWs but a bit more detailed for psychologists).

**Ethics Committee Report: Sylvia Mills, Ph.D.** reported that she has written an article about ethical considerations of the Patriot Act for the next newsletter.

**Governmental Affairs Committee: Mark Kamena, Ph.D.** reported that the CPA has asked for a CAL-PAC fundraiser, such as a luncheon, in Marin County. They would provide a speaker (e.g., an elected official who is a psychologist or sympathetic to the field of psychology). Mark will be involved in organizing this event. The money raised will support lobbying efforts in Sacramento to protect the scope of practice of psychologists. For example, in 2004-2005, legislation will be introduced to create prescription authority for psychologists. This has already been approved in Louisiana and New Mexico.

He reported that the next CPA Board meeting in Los Angeles (10/16-17) will focus on hiring a new Executive Director.

Mark updated reports that Medicare is paying providers more readily than earlier this year, as the CPA has been working with the APA and NHIC to resolve earlier problems. Don't forget to fill out Box 32 on the HCFA 1500 form! One MUST write out the office physical location.

Mark reports that MCPA will need to find new meeting space. Several possibilities were discussed.

**Information and Referral Service: Christine Gazulis, Ph.D.** reported that as of 9/22/04, I and R has received 18 full fee referrals, 9 mid-low fee referrals and one referral for testing. There are 21 members on I & R, down from 26 last year. Overall, members and calls are both down. Discussed ways to encourage more participation in I & R. Sue asked why we are charging members \$40 for the privilege to answer the Association's telephones? Ann suggested eliminating the fee to serve on the I & R. M/S/P.

**Membership Committee Report: Roberta Seifert, Ph.D.,** spoke as the new chairperson, recommended by Sue, and consented to by the full E.C. vote, because Heidi Cary, Ph.D. had resigned the position.

Roberta will update the website information to reflect this change. Roberta will be away 10/9-10/28. The next membership year starts 11/1/04. She will send out an email reminder for membership renewals and follow up with mailed reminders on her return. Ann offered to take inquiries while Roberta was gone, as well as help her with a new application and label needs. Together they will review the membership packets for possible revisions, and Roberta will get them linked to our website so that they can be downloadable.

**Newsletter Report:** Sue announced that Fred will be doing the Newsletter after this meeting, and Mark will do it after the annual meeting. Fred reported that the next newsletter should be completed

in about a week, and that anyone interested in submitting an article, or an idea for a column, should email it to him ASAP in the form of a Word document.

### **Public Education & Marketing**

**Report: Barbara Khurana, Ph.D.** reported on the newspaper articles done this year in both the I.J. and the Pacific Sun.

The meeting was adjourned at 9:05 p.m.

### **Treasurer's Report** **Fred Rozendal, Ph.D.**

As of July 30, 2004, MCPA has \$10,110.65 in assets. This amount is between \$2000-4000 less than at this time of year over the last three years, in part as a result of a loss on our most recent Continuing Education event.

However, we have spent less (\$11,760.23) than our income (\$16,109.10) to date. Our future expenses will also be decreased because of efforts to significantly reduce the costs of the newsletter (by going electronic) and telephone advertising (Yellow Pages).

The board has actively worked this year to recover from a slump in its ready reserves.

### **Law and Ethics Workshop:** **Continuing Education** **Carolyn Bray, Ph.D.**

REMINDER: OCTOBER 23

The Marin County Psychological Association (**MCPA**), in conjunction with the California Psychological Association (**CPA**), and The American Psychological Association Insurance Trust (**APAIT**) are presenting an interesting, informative, and engaging

### **seminar entitled "Ethical Decision Making and Risk Management in Clinical Practice."**

**Title:** Ethical Decision Making and Risk Management in Clinical Practice

**Presenter:** Eric Harris, Ed.D., J.D.

**Sponsor:** California Psychological Association, Marin County Psychological Association, and American Psychological Association Insurance Trust

**Location:** Four Points Sheraton, San Rafael, California

**Date & Time:** October 23, 2004 from 8:30 AM to 4:00 PM

#### **Registration Fees:**

**Dual Member** (CPA and Chapter) \$125.00

**Single) Member** (CPA or Chapter) \$135.00

**Non-Member** \$175.00

**Student Member** (CPA or Chapter) \$ 50.00

**Student Non-Member** \$ 75.00

This workshop meets the 4-hour Ethics and Law requirement for license renewal in California and attendees who are **APAIT Subscribers receive 15% premium discount on professional liability insurance.**

Eric Harris, Ed.D., J.D., licensed psychologist and attorney, is a consultant to the Trust and is the legal counsel to the Massachusetts Psychological Association.

**Workshop Description:** This workshop focuses on the fundamental "how top's" of ethical decision making when confronted by ethical dilemmas. Participants will have the opportunity to apply the basic legal strategies and ethical principles in psychological practice to specific ethical dilemmas by interacting with other colleagues in the form of group discussions.

Brochures will be sent out soon. To receive a brochure earlier, ask questions, or to register contact:  
 Annie DeMaria-Norris  
 Director Membership Services  
 California Psychological Association  
 3835 North Freeway Boulevard,  
 Suite 240  
 Sacramento, CA 95834-1955  
 (916) 286-7979  
 (916) 286-7971 Fax  
 Or go online:  
[www.calpsychlink.org](http://www.calpsychlink.org)

### Disaster Response Tana Clark, Ph.D.

Currently the Executive Committee is reviewing a contract with the American Red Cross to provide volunteers for disaster call up. This information will be reviewed at the upcoming Annual Meeting for the general membership. Once a contract is signed, volunteers will be recruited for training with the Red Cross.

In the interim, Dr. Mark Kamena is the point person to respond to regarding emergencies.

On a related matter, Dr. Joanie Gillispie has been activated to respond for Florida hurricane assistance.

### Ethics: The US Patriot Act and Confidentiality Sylvia Mills, Ph.D.

The advent of the USA Patriot Act Section 215 currently enables the Department of Justice to obtain a court order from a Federal Judge for the release of confidential clinical records without the necessity of the targeted person's consent. If you wish to read additional information to:  
[www.therapistsforsocialresponsibility.org](http://www.therapistsforsocialresponsibility.org)

It appears very Orwellian but in practice we need to remember that a Federal Judge would need to be convinced that your client had disclosed information to you, their therapist, before authorizing a subpoena to seize a clinical record. If you or I had information in our files that would have prevented 9/11 would we really protest the terrorists' rights? In any case, we are already mandated to reveal information about a client who we believe to be a danger to self or others or the property of others. If the target was not a specifically named person, but we considered the threat/risk real, a consultation with your insurance risk attorney would be very much in order.

As psychologists, we need to be careful not to catastrophize this issue. In practical terms, terrorists are unlikely to come to us and talk about their plans knowing their confidentiality is not absolute.

However, this week, Senator Clinton (D-NY) and Representative Nadler (D-NY) introduced the Patients' Privacy Protection Act. The Senate bill number is S 2827 and the House bill number is HR 5126. This legislation would amend the Federal Rules of Evidence to explicitly protect private medical information from disclosure in federal court. Currently the Patriot Act allows the FBI to ask a Federal Judge to subpoena confidential medical/psychological records without the patient's knowledge.

## Governmental (and other) Affairs Mark Kamena, Ph.D.

CPA plans to introduce a prescriptive authority bill later this fiscal year. This would not only increase access to care for Californians, but would also enable psychologists to be seen as full service providers of health care.

Several pieces of legislation important to the practice of psychology in California were addressed by CPA. They worked to defeat AB 2793 which would mandate that only psychiatrists could treat biologically-based mental disorders, and SB 1853 was defeated, which would have given masters-level social workers diagnostic privileges without being properly trained to do so. CPA Officers and the GAC Steering Committee voted to oppose SB 730 (Burton), legislation related to child custody; Sen. Burton subsequently decided to pull this legislation. However, these bills may be reintroduced next year and we need to continue our lobbying efforts.

Earlier this year there was a problem with refusals from Medicare and delays of payment. Thanks to Dr. Chuck Faltz and other staff at CPA headquarters, the good news is that for the time being no additional records will be requested. NHIC will continue to work the current cases in review, but will not automatically request additional documentation on future treatments.

Medicare: Don't Forget Box 32! Beginning April 1, there was a new rule for filling out the CMS-1500 form for Medicare Claims. Although box 32 says you are to fill it out with "Name and address of facility where services were rendered (if other than home or office)," in fact, unless you performed the service

at the patient's home, you are required to write in your office's physical address (Post Office boxes won't do) even though they already have it. Just writing in "doctor's office" will no longer suffice.

CPA staff and board members met with Board of Psychology staff to discuss the Psychology Licensing Law Sunset Review process. The BOP is preparing a report due in September which will justify their responsibility for licensed psychologists.

The BOP is in the process of increasing the number of allowable hours for distance learning to 18 per licensure period. There had been discussion about increasing the hours allowed for distance learning to all 36 required hours, but the CPA Board overwhelmingly supported (24-2) not approving more than 18 hours in approved distance learning. Dr. Faltz reported that the Board of Psychology apparently made their decision based upon input from CPA. Although more information will be gathered by the BOP, he said that it does not appear that there will be any more changes in the near future. This does not affect psychologists with disabilities who are currently eligible to obtain all of their CE hours via distance learning.

MCPA has been asked to sponsor a PAC fund-raiser in Marin County in which a State legislator will be the guest speaker. The political action committee is not affiliated with CPA, but does the necessary lobbying to advance our (i.e., psychologists') agenda in Sacramento. More to follow.

## MCPA Members 2004

Phillip Alex  
Julie Austin  
Stuart Bacon  
Robin Berenson  
Martin Block  
Christine Bouckaert  
Alan Boyar  
Carolyn Bray  
Maynard Brusman  
James Bugental  
Ann Buscho  
Bethany C. Miller  
Laura J. Cabanski-Dunning  
Leslie Caldwell  
Heidi Cary  
Tana Clark  
Jacqui Coryell  
Joel Crohn  
Janice Cumming  
Lauren Deldin  
Diane Donnelly  
Stephen Drew  
Bert Faerstein  
Joel Fay  
Sue Fleckles  
Patricia Frisch  
Christine Gazulis  
Joanie Gillispie  
Roxanna Hageman  
Sarah A. Hall  
Lynn Harris  
Sheryl Hausman  
Leslie Horn  
Sue Hulley  
Lynn Ireland  
Daniel Kalb  
Mark Kamena  
Leslee Kassing  
Barbara Khurana  
Lorraine Killpack  
Joan Kimelman  
Gretchen Kishbaugh  
Nina Knox  
Ralph Lamson

Betsy Levine-Proctor  
Richard Levy  
Brian Lukas  
Jonathan Marlowe  
Gail Matthews  
Chris Mayerchak  
Barbara McCarroll  
Bethany Miller  
Sylvia Mills  
Heidi Minnick  
Donald Nadler  
Nicholas Nichols  
Barbara Nova  
Robin O'Heeron  
Nancy Olesen  
George Peterson  
Arthur Raisman  
Deirdre Rand  
Randy Rand  
Marilyn Ransby  
Sophia Reinders  
Lori Rifkin  
Ann Rivo  
Grace Rogers  
Sharon Rose  
Frederick Rozendal  
Diana Sanborn  
Barbara Sapienza  
Gary Seeman  
Roberta Seifert  
Leslie Simon  
Paula Sitelman  
Paula Solomon  
Joan Sommer  
Molly Sterling  
Joy Stephenson  
Gary Stolzoff  
Diane Suffridge  
Beth Cooper Tabakin  
Carol Traeger  
Marjorie Walters  
John Weir  
Anne Wolff  
Linda Zanobini  
Jane Zich

**Information & Referral**  
 Christine Gazulis, Ph.D.  
 & Bethany Miller, Ph.D.

**All Committee Members:** Please don't forget to attend the November 5<sup>th</sup> **mandatory meeting** of the I&R Committee at the **Town Center in Corte Madera at 6:30 PM.**

To get there: take the Tamalpais Blvd. exit off 101. Turn into the Town Center Shopping Center (first right). Park near Good Guys. Take the elevator to the second floor (above Good Guys). The Community Room is on the second floor.

The meeting will be a social event as well as a review of policies and procedures. By now, you have received your data forms and other information related to re-registering for the 04-05 year. Please call one of your chairs (Christine: 646-0822; Bethany: 517-7999) or email [drgazulis@yahoo.com](mailto:drgazulis@yahoo.com) with questions.

**Prospective Members:** You too have received an information letter about becoming an I&R member. Contact one of us for more information if you wish to participate.

**Membership Report**  
 Roberta Seifert, Ph.D.

Dr. Heidi Cary announced her resignation as Membership Chair as of September 1. Thank you, Heidi, for all your good work for the association. I have stepped into that role, a position I held on two previous occasions. I'm glad to return to it and hope to help MCPA grow. According to the records I have received from Dr. Cary, we currently have 86 Members. I am sending out five

applications to people who have made inquiries.

You will shortly be receiving dues statements. MCPA's membership year begins November 1. We have a new rate, just passed in our last EC meeting, that allows psychologists in their first year of licensure to join as Full Members for the reduced rate of \$40. For the rest of you, here are our renewal rates – same as last year.

**MEMBERSHIP RENEWAL**  
**MEMBERSHIP RENEWAL**

<u>Member Category</u>	<u>Dues</u>
Full, working in Marin	\$75
Full, working outside Marin	\$45
Full, living outside Marin	\$45
Associate (non-doctoral)	\$45
Student	\$20
Emeritus	\$15
After Jan. 1, 2005	\$10 late fee

If you are feeling particularly well-organized, feel free to send your renewal now! You can mail your dues to me, Roberta Seifert, Ph.D., at MCPA, P.O. Box 150001, San Rafael, CA 94915.

**ARTICLES**

**Got Therapy?**  
**Professional Issues Online**  
 Joanie Gillispie, Ph.D.

**Introduction**

This chapter offers an overview of the research, practice, and public policy issues that emerging from the Internet as an adjunct to the field of psychology. While trend analysts, public policy experts, and behavioral scientists are

conducting Internet research the information generated has not translated into directions for clinical practice. Mental health clinicians want to harness the power of the Net in their work but they also want to know that the power of this modality complies with the legal requirements and ethical guidelines of their profession. However, the potential benefits to risk of psychology online leaves many confused and concerned about doing the right thing. They are not alone. Researchers from the UCLA Internet Project, Year Three, funded by the National Science Foundation, have examined the social effects of Internet use on the following areas: consumer behavior, family relationships, communication patterns, political power and influence, work, and child development. These researchers want behavioral scientists and policy makers to begin informing the public about trends emerging from Internet use, including the psychological correlates, rather than wait the 20 years it took to disseminate information about the social and behavioral effects of television viewing.

### **Legal and Ethical Concerns**

There are a number of legal, ethical, and professional concerns that have emerged as a result of psychology online. Most professional organizations have incorporated the Internet as a tool in their service delivery. Yet, clarity and unification of guidelines that specifically address the virtual world of psychology are lacking. This state of uncertainty is mirrored in society at large as the government struggles with the most basic of concepts of censorship, public safety, and privacy. As an example of changing views in regards to how much

the government should control Internet access is visible in the Supreme Court's recent decision to over turn the 1998 Child Online Protection Act. The Court ruled that Congress could not devise a plan to protect children from explicit sex sites that would not "trample the First Amendment" (San Francisco Chronicle, June 30, 2004. p.B8). Another attempt by legislators to preserve the right to privacy was the enforcement in April of 2002 of HIPPA (the Health Information Portability and Privacy Act). Unfortunately for most mental health providers, complying with HIPPA is a daunting and often confusing task.

The primary ethical mandate "do no harm" is perhaps at the forefront of provider's concerns when dealing with Internet psychology. However, a close second are legal concerns arising out of the very attributes that makes cyber connections such a powerful adjunct to face-to-face psychology. Can those who interact professionally with patients online get sued for practicing beyond the scope of their expertise? Psychologists trained in the delivery of online services and teaching are few in number. Fewer still are clear about applications of current professional standards to the Net. Internet based professional guidelines are just beginning to be developed in a scholarly and systematic manner.

A few of the emergent issues are listed below:

- Can legal and ethical mandates be upheld if a therapist from Nevada counsels a person from Florida, or Bombay?
- How can consumers of mental health treatment

be assured of privacy and confidentiality?

- How do clinicians assess dangerousness online?
- How can those who seek psychological information on the Web be assured of accuracy?
- Is there a way to filter cyber-babble from best practices?
- Can a therapist get sued for email, discussion forums, website postings or for what they *don't write* online?

### Professional Guidelines

Most professional organizations in psychology are just beginning to adapt some of their on-ground professional guidelines to specifically address the uniqueness of virtual practice. For example, the American Psychological Association has just increased the number of on-line CE credits allowed for each license renewal, from 8 hours to 15 hours, signifying a shift in acknowledgement of the value of non-traditional educational models. Examinations, testing, scoring, and computer-generated psychological reports are already available online as are psychological experiments and research data collection. In addition, there are therapists that are always accessible and just waiting for your email.

The scope of ethical questions in cyber space that clinicians struggle to answer is the same as face-to-face concerns: Confidentiality, dangerousness, protection, beneficence, nonmaleficence, equality in the digital

divide, and autonomy. However, the attributes that make psychology online so appealing for many (access, convenience, increased choice, anonymity, novelty, increased sense of intimacy) are the very elements that bring new meaning to the question of who is on the other side of the circuitry.

### Future Directions

The field of Internet based mental health services is in its infancy. In addition, the rapid evolution of new generations of technology often leave professionals racing to bring their service delivery up to speed, leaving less time to examine the efficacy or ethics associated with the latest, hard- or soft-ware upgrade. Future dialogue about Internet psychology's professional standards will need to include other scientists and policy makers will need to be on-going and focus as much on psychologists informing themselves as sharing their expertise with others, both on and off line.

### Using CPT Codes Mark Kamena, Ph.D.

A symposium that I attended at APA this year was entitled "Health and Behavior CPT Codes – Getting the Payment You're Due." The H & B codes have been available for two years for use by psychologists, but insurance companies have been slow to reimburse for such services. However, Medicare (NHIC) and several other major insurance companies (e.g., Aetna, BC/BS, Fortis, Mutual of Omaha, and Nationwide Mutual) have reconfigured their computers to allow for prompt payment. The problem with reimbursement was that psychologists

were not properly coded to coincide with the use of these CPT codes, and this problem may still exist in some instances. However, we were encouraged to persevere. The problem is that if we don't use these codes, we may lose them.

The CPT codes in question are 96150-5 and are to be used with ICD-9 diagnoses. These codes may only be used with face-to-face patient contact, must correspond with the appropriate ICD code, and cannot be mixed with other psychiatric codes on the same date of service. They are billed in 15 minute increments as follows:

96150 – Health and Behavior Assessment: Health-focused clinical interview, behavioral observations, psychophysiological monitoring, health-oriented questionnaires (usually 4 to 6 – 15 minutes units)

96151 – Re-assessment

96152 – Individual treatment (usually 3 to 4 units)

96153 – Two or more patient treatment (Group)

96154 – Family with patient present

96155 – Family without patient present

Documentation consists of a report of the intervention methods used, observations, results of psychophysiological monitoring, a summary of the intervention, any recommendations, the number of 15-minute units, and the total time spent with the patient or family.

CPT, or Current Procedural Terminology, H & B case examples include:

- 59 year-old man with Parkinson's disease who is

having difficulty coping with his neuropacemaker.

- 30 year-old woman with ovarian cancer who is deciding risks and benefits of getting pregnant.
- 44 year-old man who is obese and has a family history of heart disease who is having trouble deciding on whether to get the recommended gastric bypass surgery.
- 65 year-old woman with coronary valve replacement, knee and hip pain, having difficulty managing her treatment regimen and finding appropriate level of physical and social activity.
- 55 year-old man with chronic pain secondary to peripheral neuropathy – evaluation for implantable TENS unit.
- 36 year-old woman with kidney transplant failure who is non-compliant.
- 53 year old widowed woman with multiple sclerosis who is deciding how much home care services she needs. She needs help with deciding whether it is reasonable to live alone despite her mobility problem.
- 48 year-old man who has diabetes and is non-compliant with taking insulin, diet and exercise.

These are just a few of the possible cases in which the H & B codes might be applicable. The advantage for the patient is that they are reimbursed at the 80% level rather than the typical 50% psychiatric reduction (e.g., for 90806). A nice reference is the CPT Handbook for Psychiatrists, 3<sup>rd</sup> edition (2004, American Psychiatric Publishing).

## Recollections Grace Rogers, Ph.D.

I cannot tell you how many times in the response to the question “what do you do?” that the answer “I’m a psychologist” results in an immediate retreat. This retreat ranges from “my spouse could really use you” to literally not talking with me. Yes, there are times when I have the polar response, and I want to share 2 of them with you here. The first that comes to mind happened years ago when I was not yet licensed but was in training. A group of both licensed and pre-licensed people were attending a training in San Francisco and a group of us had taken a dinner break at a restaurant near the Embarcadero. There were two gentlemen at a table that happened to be next to mine but also surrounded by our group. Midway through dinner one of the gentlemen at this table came up to me and asked what our professions were. After we confirmed what he had already gleaned, he was eager to share his own story. A few years back his late teen-age daughter had asked him to join him in therapy, and he had refused. And he refused and refused and refused. After one of his long string of refusals his daughter said convincingly that she would break off her relationship with him permanently unless he joined her in therapy. He capitulated. He wanted us to know what a valuable experience the resulting therapy was in his life and how much he had gained from it, not only personally but as a father. He articulated that he wanted other men to know his story. For me he has always been “the poster man.” It has been years now and I don’t know anything more about his story than that brief crossing of paths, yet his story has remained with me since.

The second recollection occurred several years ago when I attended a Parent University held by a public school district in a different county. During the course of the evening one of the staff members, who was also a parent, made a point of coming up to me. She knew me and my commitment to the students, and she wanted to share a part of her story. When her daughter, at that time in her early 20s, was in elementary school she was referred to the School Psychologist for an evaluation that included how she was doing emotionally. When the psychologist shared his findings with her she thought that he didn’t know what he was talking about and refused to listen. She felt that he couldn’t possibly understand her daughter, after all he didn’t live with her daily, and what he was trying to tell her was off base. She told him straight out that she didn’t think he knew what he was talking about. Well..... several years later her daughter became a late teen and told her mother that the psychologist was right in his representation of what was going on for her, her daughter. He understood her but her mother had not. She felt devastated that she had missed understanding her daughter at a tender time in her schooling and their mother/daughter relationship. This mother then told me that she hoped that I would share this story with others in the hopes of sparing them the very painful feelings that she had since had to endure. And so I share her story with you now.

In the course of recalling these stories I am reminded of a quote from Ross W. Greene, Ph.D., “Children are actually pretty good at understanding the “fair does not mean equal” concept and at making exceptions for children who need help; in my experience, it’s much more common that adults are the ones struggling with the principle.”

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<b>I&amp;R Annual Meeting</b>	<b>Nov. 5</b>	<b>Town Center Community Room, Corte Madera</b>
<b>Annual Meeting</b>	<b>Nov. 19</b>	<b>Inn Marin, 250 Entrada Dr., Novato</b>
<b>Holiday Party</b>	<b>Dec. 3</b>	<b>Home of Mark Kamena 11 Sagebrush Ct., San Rafael</b>

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