Law and Ethics Quiz

Indicate whether each statement is true or false.

1. _____ Ignorance of the law is an acceptable legal defense for injuring clients.

2. _____ Clients have the right to sue their clinician for abandonment.

3. _____ A client is legally entitled to adequate information from the therapist before the client provides consent to treat.

4. _____ Clinicians should take additional steps if necessary to insure a client’s comprehension of the informed consent contract.

5. _____ Couples should be informed that both reconciliation and separation are possible outcomes of therapy.

6. _____ Terminating services in order to pursue a social, financial, or sexual relationship with a client is acceptable.

7. _____ If a 13-year-old seeks and consents for his own treatment, his parents still have a legal right to access his records.

8. _____ A therapist must obtain signed informed consent prior to treatment.

9. _____ When treating a couple, the clinician only needs informed consent from one of the individuals.

10. _____ Termination rights for both the clinician and the client should be included in the informed consent.

11. _____ Legally, fees must be disclosed before the onset of therapy.

12. _____ A therapist should document that he/she obtained informed consent for treatment from client.

13. _____ The therapist has an ethical and legal duty to inform clients of possible outcomes of treatment in order to remain within the standard of care.

14. _____ A therapist should obtain a distinct and separate informed consent for the use of any challenging or novel modalities including any involving touch.
15. _____ The clinician is responsible for providing appropriate referrals for continuity of care when the client initiates termination.

16. _____ Managing confidentiality is a legal and ethical issue.

17. _____ The only exceptions to confidentiality are by a client’s written consent to release information or a legal mandate or legal permission to release information.

18. _____ If a husband calls for information about his wife who is in treatment, the therapist should assert privilege.

19. _____ The term privilege relates to the release of information in a legal setting.

20. _____ A therapist is obligated to break confidentiality if there is reasonable suspicion of child abuse.

21. _____ A therapist is obligated to break confidentiality if the client is suicidal.

22. _____ A therapist is mandated to break confidentiality if there is reasonable suspicion of elder abuse.

23. _____ If a client has a plan to vandalize someone’s car, the therapist should warn the victim and warn the police.

24. _____ If a new client indicates signs of hopelessness and depression, a prudent therapist would assess for suicide.

25. _____ If a client makes a serious threat to harm an identifiable other, the therapist must warn the victim.

26. _____ Someone over the age of 60 is considered an elder.

27. _____ Therapists are mandated to report domestic violence.

28. _____ If a 65-year-old woman shares that her husband hit her, the therapist should report domestic violence to the police.

29. _____ When a clinician faces a legal action against them initiated by the client, the BBS or a district attorney, the therapist is permitted to break confidentiality.

30. _____ If another clinician contacts you stating that he/she has a release, you may provide the information requested.
31. _____A group confidentiality contract is a good way to clarify clients’ responsibility and protect the clinician.

32. _____When treating minors, it is the parent who holds privilege.

33. _____If an adult client shares they were a victim of child abuse as a minor and the perpetrator still has access to children the therapist must file a child abuse report.

34. _____Therapists are always required to obtain written consent from a parent or guardian before releasing any confidential information about a minor client.

35. _____The parent or guardian must provide legal consent for a minor’s treatment if the minor is under 12.

36. _____It is a therapist’s legal responsibility to make an effort to learn and understand cultural assumptions of their client.

37. _____Providing false information to an insurance company for the purpose of obtaining treatment is ethically acceptable.

38. _____Therapists have an ethical responsibility to take reasonable care in maintaining client confidentiality while using electronic devices.

39. _____If an HIV+ client discloses intent to have unprotected sex with someone, the therapist has a legal duty to warn that individual.

40. _____When informed of child abuse, a therapist must make an immediate report and follow up with a written report within 24 hours.

41. _____When informed of elder or dependent adult abuse, a therapist must make the report immediately and follow up with a written report within 3 working days.

42. _____When filing a report, the therapist is allowed to share any information about the case that he or she thinks is relevant to report.

43. _____Therapists should document their reasons for filing an abuse report.

44. _____Privilege is the right of the client to maintain confidentiality regarding the legal system.

45. _____If a client initiates a lawsuit claiming emotional injury, attorneys for the opposing side are entitled to said client’s records.
46. _____Privilege is suspended if either client or therapist sues the other.

47. _____ If a lawyer subpoenaes a client’s records without a release, and the therapist is unable to contact the client, the therapist should turn over the records.

48. _____Professional duty begins as soon as the client enters into an implicit or explicit therapeutic contract.

49. _____A therapist may provide services without consent for treatment if the client is in a crisis.

50. _____Therapists have a professional duty to know when a specialist should be utilized.

51. _____Therapists have a professional duty to know when hospitalization is required.

52. _____Authorizations to release information must include an end date.

53. _____Therapists have an ethical professional duty to collaborate or refer to improve and protect the health and wellbeing of their client.

54. _____A Tarasoff condition only exists if a client expresses a serious threat to harm an identifiable victim.

55. _____A therapist is not mandated to report consensual sex between minors when they are between the ages of 14 and 18.

56. _____If a 16 year old is having consensual sex with her 21-year-old boyfriend, the therapist must file a child abuse report.

57. _____If a 15 year old is having consensual sex with her 21-year-old boyfriend, the therapist must file a child abuse report.

58. _____If a 13 year old is having consensual sex with her 15-year-old boyfriend, the therapist must file a child abuse report.

59. _____If a client makes a threat to an unidentifiable victim, the therapist must warn the police.

60. _____Therapists must maintain mental health records.

61. _____If a therapist receives a court order for client records, the therapist should assert privilege.
62. _____Therapists should investigate child abuse if they have reasonable suspicion.

63. _____If child abuse occurs in another state, the therapist is mandated to report the child abuse in the state in which it occurred.

64. _____A therapist should inform couples of their “secret” policy before the onset of treatment.

65. _____Statements made by a client’s immediate family members regarding the client’s serious danger to harm someone must be considered in Tarasoff situations.

66. _____Performing any professional services outside the scope of the license is acceptable if explained to the client.

67. _____Clinicians should not engage in dual or multiple relationships with clients or former clients where there is a risk of potential harm to the client.

68. _____When dual or multiple relationships are unavoidable, clients are responsible for setting clear, appropriate boundaries.

69. _____Therapists should avoid initiating treatment when there is a known dual relationship.

70. _____When a clinician provides services to two or more people who have a relationship to each other (e.g., couples, family members), the clinician should clarify the nature of his or her professional responsibilities to each individual.

71. _____Clinicians should under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

72. _____Clinicians should not engage in sexual activities or sexual contact with clients’ relatives or others with whom clients maintain a close personal relationship.

73. _____Clinicians should not provide clinical services to individuals with whom they have had a prior sexual relationship.

74. _____It is considered unprofessional conduct to engage in sexual relations with a client within two years following termination of therapy.
75. _____ When obtaining a release of information, all members of the treatment unit who are old enough to consent should sign the release.

76. _____ A therapist should report to CPS if they find out one of their clients is dealing drugs to junior high students in the area.

77. _____ If a client has not had a complete medical evaluation in the last two years, a reasonable and prudent clinician should refer the client for a complete medical check-up.

78. _____ Clinicians providing any treatment without a psychiatric consultation, when warranted, are considered to be practicing below the standard of care.

79. _____ If the client has a legally designated conservator or guardian ad litem, then that person may exercise privilege on their behalf.

80. _____ Parents may exercise the privilege on behalf of their child simply because they are that child's parents.

81. _____ A clinician who receives a subpoena for the records of a minor client would not look to the parents or guardians for instructions on whether to release the records but would instruct the parents or guardians to petition the court for guardian ad litem status.

82. _____ Clients have the right to revoke or modify release authorizations at will.

83. _____ A therapist has a legal duty to prevent suicide.

84. _____ Clinicians must take “appropriate preventive measures” to avert harm to suicidal clients.

85. _____ Ethically, it is acceptable to wait until middle phase of treatment to determine who the unit of treatment is going to be.

86. _____ Minors may only consent to their own treatment if they are over the age of 12 and are victims of abuse.

87. _____ Clinicians are expected to recognize risk factors that can lead to actions resulting in harm to self or others.

88. _____ Not keeping mental health records that meet the standard of care is considered illegal and unprofessional conduct.
89. _____A clinician can hospitalize a client when the client’s mental or physical state causes him/her to be in imminent danger of harming self or others.

90. _____Social isolation of an elder or dependent adult is a mandated report.

91. _____A clinician can be deemed legally negligent when his/her treatment plan neglects or overlooks a client’s suicidal tendencies.

92. _____When a client is over 18 years of age and discloses abuse he/she experienced as a child, the therapist is mandated to report it.

93. _____A clinician is mandated to report all child abuse, including on children residing outside the state of California.

94. _____Therapists have 3 working days following a written request from a client to allow the client to inspect records.

95. _____A therapist should keep records for a minimum of 5 years to meet the standard of the profession.

96. _____A therapist has 15 days to provide the patient with a copy of the records.

97. _____A therapist may deny a client access to their records when the therapist determines that there is a high risk of detrimental consequences to the client if the client were to see the records.

98. _____Client records are the property of the client.

99. _____The monetary value of the gift should be considered when deciding whether or not to accept a gift from your client.

100. _____A therapist may deny a parent access to the minor’s record if the clinician believes releasing the records would have a detrimental effect on the therapeutic relationship.

101. _____A therapist may deny a parent access to the minor’s record if the minor’s wellbeing would be jeopardized by releasing records to a parent.

102. _____If parents are married, both must sign the informed consent to treat their minor child.

103. _____If parents were never married, either of them may consent for treatment of a minor child.
104. _____A 12 year old can consent for treatment if he/she is mature enough to participate intelligently in treatment.

105. _____If a minor consents to his/her own treatment, he/she is responsible for the fees.

106. _____Any advertisements must include either the exact title of the practitioner’s license or the license number.

107. _____It is unethical but legal to receive compensation for the referral of clients.

108. _____If a therapist uses the term “psychotherapy” or “psychotherapist” in advertisements, he/she must include his/her license number.

109. _____Clinicians have a professional duty to discuss with their clients how insurance companies will manage their confidential information.

110. _____Dual relationships between supervisors and supervisees are considered unprofessional conduct.

111. _____It is a therapist’s legal duty to challenge a ‘denial of services’ from an insurance company.

112. _____The purpose of HIPAA is to standardize electronic patient health, administrative, and financial data.

113. _____It is unethical to accept gifts from clients.

114. _____When a person is unable to provide food, clothing, and shelter for himself or herself due to a mental disorder, he/she is considered gravely disabled.

115. _____The legal requirements for a 5150 (involuntary hold) include when a person is a danger to self or other due to mental illness or he/she is gravely disabled.

116. _____If a therapist learns that a client had sex with a previous therapist, he/she should file a complaint with the BBS.

117. _____If a therapist learns that a client had sex with a previous therapist, he/she should provide the client with the brochure from the BBS outlining their rights and discuss the brochure’s contents.

118. _____Termination may not be appropriate when a client is hospitalized, in crisis, or actively suicidal.
119. _____ When termination is initiated by the therapist, consultation is important to ensure that the therapist's reasons for termination and management of the termination process are consistent with community standards and the standard of care.

120. _____ A therapist must obtain signed written consent to provide teletherapy.

121. _____ A professional will explain who is responsible for a therapist's files and clients if the therapist dies.

122. _____ When there is a request for information related to any aspect of psychotherapy, each member of the treatment unit should sign the authorization before the disclosure of information.

123. _____ A therapist should immediately terminate treatment with a client if the therapist is unable to effectively manage his/her countertransference.

124. _____ If a therapist suspects that a colleague is unable to perform his/her professional duties due to personal issues (e.g., substance abuse, mental health problems), the therapist should first report him/her to the BBS.

125. _____ Therapists should refrain from bartering for services.

126. _____ Therapist should explain how fees will be managed, including in the event that the client has not paid his/her fees.

127. _____ A therapist has a legal right to withhold a client's records if he/she has not paid his/her fees.

128. _____ Therapist should inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made.

129. _____ If a therapist's records are stolen, the therapist should file a police report and notify the clients.

130. _____ If a therapist observes an act of child abuse while shopping at the mall, the therapist is mandated to make a report.

131. _____ HIPAA standards apply if a therapist communicates electronically.

132. _____ It is legal but unethical to advertise false skills and specialties.
133. _____ The font on an authorization to release information must be at least 12 point.

134. _____ Changing a client’s diagnosis to ensure payment by insurance is acceptable with client’s consent.

135. _____ A therapist must notify the BBS of change of name or address within 30 days.

136. _____ An incarcerated client loses their right to privilege.

137. _____ A baby who tests positive for drugs at birth would require a mandated child abuse report.

138. _____ A therapist must notify the BBS of any convictions, including a DUI, within 30 days.

139. _____ A conflict of interest occurs when there is a dual relationship between the therapist and client where the therapist may have personal investment and become biased with treatment.

140. _____ Parents who are in prison lose their rights to access their minor child’s records.

141. _____ After a client dies, the client’s designated personal representative or the legal executor of his or her estate has a right under law to access the records.

142. _____ A minor may not consent to convulsive therapy, psychosurgery, or psychotropic medication without the consent of the minor’s parent or guardian.

143. _____ During the initial session, informed consent should include a discussion of the risks and benefits of treatment and the purpose of therapy.

144. _____ If a therapist is on an insurance panel, and the insurance conducts an audit requesting client records, the therapist must provide copies of the records.

145. _____ I am going to pass this exam.