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College of Psychologists of British Columbia

Quality Assurance Committee

Professional Will Materials

To follow is a package of materials for use by registrants in the preparation of a professional will. These materials are part of a larger project of the Quality Assurance Committee. The "Professional Practice Toolkit" is being developed for registrants as a compendium of documents and templates to facilitate and enhance the professional practice of psychology.

Registrants are obligated to designate a professional executor to be responsible for his or her practice records in the event of unexpected disability, planned retirement or death. This obligation comes into effect with renewal for the 2010 year, (NOTE: this is a one year deferral from the previously announced 2009 start date) and registrants will be able to indicate an executor beginning with the 2008 renewal process. While there is no obligation to complete a professional will, it is recommended as a useful means of communicating your wishes to your professional executor. The workshops on professional wills and these materials are intended to provide registrants the opportunity to discuss and review issues involved in designating an executor and the use of a professional will as a means to work through these issues.

The materials on professional wills are adapted, with only minor changes, from the materials provided to the College by Dr. Tom McGee through the College sponsored Professional Will workshops he is providing to registrants. The changes include ensuring consistency with BC laws and language, changes suggested by Dr. McGee after the Fall 2007 workshops, minor changes in formatting, and integration of comments and suggestions of registrants who have attended a professional will workshop. Dr. McGee notes that most of these materials were developed in his work with the San Diego Psychological Association. The College expresses appreciation to Dr. McGee, the San Diego Psychological Association for their provision of these materials and to the registrants who made valuable comments and suggestions.

The materials in this package include:

1. Guidelines for Preparing Your Professional Will
2. Guidelines for Professional Executor
3. Professional Will Template (Canadian Version)

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GUIDELINES FOR PREPARING YOUR PROFESSIONAL WILL

INTRODUCTION

The incapacitation or death of a registrant is an event with profound ramifications for families, friends and clients. There are many legal, ethical, clinical and personal issues for the practicing registrant to consider. When there is advance warning of disability or death, planning ahead for the benefit of clients may help them get through this with as little trauma as possible and even, in the best case scenario, with further growth. In some cases, however, there will be no advance notice. The unexpected incapacitation or death of a registrant can be the ultimate abandonment. Getting past denial and accepting that this is a real possibility means not waiting until retirement age before beginning to think about it. Being responsible and caring about client welfare means planning ahead and ensuring compliance with the requirements of the Code of Conduct.

The completion of a Professional Will is a good way to ensure that at least the most important bases are covered. In addition to meeting the requirement for naming a Professional Executor, the completion of a Professional Will also includes naming the lawyer, specifying record location(s) and anything necessary for access, a list of clients to be contacted and their phone numbers. Completion of this document will smooth transition of care where necessary, as much as that is possible. It will allow access into voice mail, specify your insurance carrier, and communicate wishes about client involvement in memorial services. It will communicate anything you want communicated to your clients after you are gone.

Completing this document will make it much easier and less stressful for both family and executor to take care of what will need to be done in relation to your practice. The act of completing a Professional Will communicates to your clients that you really do care about their welfare.

GUIDELINES

1. What a Professional Will is not: This document, even though it is called a "will," is not a substitute for a Personal Last Will and Testament. It is intended to give authority and instructions to your Professional Executor regarding your psychology practice, in the event of your incapacitation or death. In addition, this is not intended as legal advice regarding what you need to do. Consult a lawyer and anyone providing you with estate planning advice to see if this meets your needs and is consistent with any other documents you may already have in place.

2. This is not the only way to do it: This version of a Professional Will is only one of many possible ways of planning for what you want done in the event of your incapacitation or death. These guidelines are designed to assist you in the process of thinking through the nature of your professional practice and to suggest a number of possible options and issues for you to consider in providing instructions for your Professional Executor.

3. Professional Executor: Your designation of a Professional Executor may be the single most important function of this document. This will facilitate the process of what will need to be done in the event of your incapacitation or untimely death. Your Professional Executor should be a registrant you respect and trust. Meet with this person as part of the process of writing your Professional Will in order to familiarize him/her with your practice and discuss what you would like done. Your Professional Will is most likely to be carried out effectively if your Professional Executor is involved in the planning process. Selecting a Professional Executor involves a dialogue where mutual responsibilities, expectations, questions, etc. can be resolved to the satisfaction of both parties. If the Professional Executor is not familiar with your office, arrange a meeting there and schedule a "walk through" so the Professional Executor can gain some familiarity with your office and the location of its contents". Please also refer to the "Guidelines for a Professional Executor" which are attached to this document.

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4. Backup Professional Executor: If, for any reason, your designated Professional Executor is unavailable or unable to perform this function, it is wise to have at least one backup. This registrant may also be the **best person to assist the Professional Executor in the likely event he/she will need assistance.**

5. Authority for Professional Executor: In order for your Professional Executor to be able to act on your behalf, you need to give him/her the authority to take appropriate action with your records, and you also want him/her to be able to delegate activities to others so that no single person becomes overwhelmed by the magnitude of the task.

6. Legal Advice: You may want to discuss your needs with a knowledgeable lawyer and use his/her expertise in determining the details of how your professional affairs will be handled. A final copy of your Professional Will should be filed with your lawyer. Specifying who your lawyer is and how to get hold of him/her will expedite your Professional Executor's task. It should be noted however, that a Professional Will can be completed without involving a lawyer.

7. Executor of Personal Will: Having completed a Personal Will is extremely important and valuable in its own right. The presence and availability of a Personal Will also strengthens the effectiveness of a Professional Will. Assuming that you have a Personal Will, the name of its executor and how to contact him/her will allow your Professional Executor to reach this person quickly. There will be a number of things that the two of them will need to discuss and coordinate on your behalf.

8. Client Records: Specify the location(s) of your current and past client records. And if you have not already done so, sort them into these two groups and arrange them alphabetically. Specifying the date first seen and when the case was closed on the outside of the file will also be helpful to your Professional Executor. In addition to the Code requirement, Legibility of the records is a huge plus and ensure that at least the face sheet, with the client's name, phone number and address is easily legible.

9. Test Materials: The Professional Executor should strive to assure that all psychological test materials are maintained in a confidential and secure manner.

10. Billing and Financial Records: Specify the location of your billing and financial records. This will allow your Professional Executor to facilitate the completion of any outstanding billing and financial transactions related to your practice in an orderly manner. Your estate will thank you.

11. Appointment Book and Client Phone Numbers: This will be one of the first things your Professional Executor will need. Ready access to this information will allow clients with whom you have appointments scheduled to be contacted personally prior to their arriving at your office and finding you not there.

12. E-Mail Address Password and Voice Mail Access Code: Having this information readily available will allow your voice mail message to be changed to indicate what has happened and/or who to contact and will facilitate response to any voice mail or e-mail messages in a timely fashion. If you prefer, your passwords and access codes can be referenced in this document and kept with the copy of your Professional Will in your professional liability insurance file along with your list of client names.

13. Your Keys: Your Professional Executor should be easily able to locate the keys to the various things he/she will need to access, such as your office, filing cabinets, storage facility, etc. Having them labeled and telling your Professional Executor where they are will obviously facilitate this.

14. Further Assistance in Locating/Accessing Records: List any other people who might be helpful in locating or accessing your client, billing and financial records, your appointment book, phone numbers, etc. (e.g. a spouse or relative, a secretary, a billing person, a friend, an office mate, etc.)

15. Location of Copies of Professional Will: It is suggested that the original be filed with your personal will and copies be given to your lawyer and Professional Executor. In addition, it is recommended, more as a reminder to yourself to check and update it annually, to file a copy with your malpractice insurance

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policy. This is a way of ensuring you will at least see it annually and consider whether any changes need to be made and ensure accuracy of the information.

16. Notification of Current and Past Clients: A list of current and selected past clients you wish to have notified about your death and any planned memorial services along with their phone numbers will allow this to be done relatively easily. This will be an efficient way of deciding who to call if you want to have clients at your memorial services or if you want special memorial services for clients only. There are a variety of options regarding memorial services. You can leave this up to the discretion of your Professional Executor or you can specify your wishes. The general notification of your death to your clients can be done in a number of ways. For example, it can be done by phone, in writing, and/or through a notice in the newspaper. This can be left up to the discretion of your Professional Executor or specified by you. Similarly, you can be specific regarding which clients should be offered face-to-face meetings in the short term vs. being given referrals. Also, you can decide to whom you want referrals made. Or you can leave these decisions up to your Professional Executor. It's up to you.

17. Professional Liability Insurance: Your malpractice carrier should be notified of your death as soon as possible. This will allow arrangements for any additional coverage to be made right away. Major carriers may provide additional coverage if they are notified in writing by your authorized representative within 60 days. This will require proof of your death.

18. Client Records: The Professional Executor will need to make arrangements for copies of your records to be sent to your clients' new therapists and for storing, releasing and disposing of your records as per the Code of Conduct and Practice Advisories. The Professional Executor is responsible to ensure compliance with the Code of Conduct with regard to the confidentiality and security of psychological test materials.

19. Reimbursement of Your Professional Executor: Your Professional Executor will be spending a lot of time implementing your wishes. It is important that the amount allocated and conditions under which it will be paid, be clearly delineated in the registrant's Personal Will. These matters should be discussed in advance with your Professional Executor and to agree upon a sum in advance to avoid putting him or her in an awkward position later. The actual amount would depend on the size and complexity of your practice and should be commensurate with the scope of the task to be completed. Additionally, whatever financial arrangements are set forth in the Personal Will, all payment to the Professional Executor needs to be finalized in a circumscribed period of time, e.g. one or two months, as a Personal Will cannot pass through probate with outstanding debts.

20. For Further Information: For immediate assistance, consultation with fellow registrants knowledgeable about Professional Wills and the role of the Professional Executor or put your question in writing to the College.

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GUIDELINES FOR A PROFESSIONAL EXECUTOR

A Professional Executor serves an extremely important and potentially complex role. We have prepared these guidelines to help facilitate your work. They are guidelines, and all of them may not be applicable in all situations. It is likely that situations may arise that are not covered in these guidelines. Accordingly, in serving as a Professional Executor it is important to use your best clinical and professional judgment, and to seek consultation as needed.

It is important to remember that as a Professional Executor you need not be alone in this task. While you as the Professional Executor are in charge, please recall that the Professional Will contains the following information, "I grant my Professional Executors full authority to delegate and authorize other persons determined by them to assist and carry out any activities deemed necessary to properly administer this Professional Will."

Following are guidelines organized by time periods, since immediate action is usually required surrounding a sudden death or incapacitation, followed by issues of resolution and closure.

I. Immediate (same day/next day)

A. Welfare of Patients

1. Contact the family and/or Executor of the Professional Will and explain your role as a Professional Executor. Describe the assistance you may need and attempt to coordinate with them. Naturally, it is important to remember that family members will be affected by shock, grief, loss, etc. and to be clinically sensitive to these issues. .
2. Review the guidelines and directives of the Professional Will, if there is one.
3. Gain access to the registrant's appointment calendar, phone book, palm pilot and patient records, as well as computer, if records were kept there.
4. Gain access to registrant's office and post a notice with your phone number to call. A sample note on the door might read: Dr. _____ is unavailable. For further information, please call me: (area code) (phone number). Thank you. (Your signature). It is important that any communication regarding a registrant's demise be communicated person to person and not in a phone message, taped to a door, or by e-mail. Such impersonality might appear brutal and unkind, and have a negative effect.
5. Gain access to voice mail and change greeting with your phone number to call. Sample greeting is similar to above. Dr. _____ is unavailable. I am Dr. _____ and am taking calls for him/her. Please leave a message for me with your phone number and a good time for me to reach you and I will return your call as soon as possible. Thank you.
6. Call the same day/next day appointments to cancel. At that time, you will need to explain why the registrant is unavailable and offer phone triage to the patient's, scheduling appointments with you or making referrals to other registrants, as appropriate.
7. Continue with cancellation of the week's, and current month's appointments.
8. In contacts with all patients offer further contact, consultation and, ultimately, referral to another registrant, if desired or clinically indicated.

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B. Related Professional Practice Issues

1. Inform office staff, colleagues, and building management.

II. Short-Term (second week and immediately beyond)

A. Welfare of Patients

1. Form a liaison with family regarding their wishes for a memorial (if they have requested it) and whether they wish patients to attend. Inform current and past patients as appropriate.
2. Contact all patients listed in the registrant's date book for the past year to notify them.
3. Continue contact with current patients in order to facilitate addressing their needs (providing appointments, making referrals, etc..)
4. Files should be placed in storage and released upon appropriately documented request to another mental health provider. (This is strongly recommended in order to avoid any harm that might befall a patient upon reading random notes which cannot be processed because the writer is not there).

B. Related Professional/Practice Issues

1. Inform malpractice carrier within the first month. It is necessary to do this in writing to facilitate addition of a tail to the insurance.
2. Advise as needed the dismantling of office and its contents with family or Executor of Personal Will.
3. A decision needs to be made about the collection of any outstanding bills owed in consultation with the family or Executor of the Personal Will. The role of the Professional Executor is to facilitate the effort to collect such outstanding bills.

III. Intermediate-Term (first few months)

A. Welfare of Patients

1. Keep phone and voice mail active for at least a year; update greeting as appropriate, check weekly, and respond as needed. Apprise Personal Executor of any concerns in this regard.
2. Continue to facilitate referrals and the appropriately documented requests for transfer of records.
3. Arrange for longer term confidential storage and disposition of records.

IV. Long Term

A. Welfare of Patients

- 1. Continue to attend to patient requests as they arise.**

B. Related Professional/Practice Issues

1. Inform College of Psychologists of British Columbia
2. Inform any other professional associations.
3. Cancel journals.

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This document should be prepared in conjunction with Guidelines for Making a Professional Will and Guidelines for a Professional Executor.

PROFESSIONAL WILL

I, [enter your name here], (R.Psych or R.Psych. Associate) a resident of [enter name of city here], Province of British Columbia, being of sound and disposing mind and memory, do hereby declare this to be my Professional Will. This supersedes all prior Professional Wills, in the event there are any. **This is not a substitute for a Personal Last Will and Testament.** It is intended to give authority and instructions to my Professional Executor regarding my psychology practice in the event of my incapacitation or death.

1. Registrant Name.

I am a [registered psychologist or registered psychological associate], CPBC Registration # _ _ _ _ . My office address is:

[enter office address here]

I also maintain a [second, home, alternate] office at:

[enter additional office addresses here]

2. Appointment of Professional Executor.

In the event of my death or incapacitation, I hereby appoint [enter name of registrant], CPBC Registration # _ _ _ _ , whose phone number is:

[enter phone number here]

and whose office is located at:

[enter office address here]

as my Professional Executor.

In the event that [enter name of registrant here] is unavailable or unable to perform this function, or requires assistance, I hereby appoint [enter name of alternate professional executor] CPBC Registration # _ _ _ _ , whose phone number is: [enter phone number here]

and whose office is located at:

[enter office address here]

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as a back-up Professional Executor.

3. Authority of Professional Executor.

I hereby grant my Professional Executor full authority to:

- a. Act on my behalf in making decisions about storing, releasing and/or disposing of my professional records.
- b. Carry out any activities deemed necessary to properly administer this Professional Will.
- c. Delegate and authorize other persons determined by them to assist and carry out any activities deemed necessary to properly administer this Professional Will.

4. Name of Legal Counsel and Personal Will Executor.

A. My lawyer for my Personal Will is [enter name of your lawyer here]
whose phone number is: [enter phone number here]
and whose offices are located at:

[enter office address here]

B. The executor of my current personal will is [enter name of executor of personal will], whose phone number is: [enter phone number here]
and who is located at:

[enter address here]

5. Essential Professional Practice Information.

A. My current client records are located at my office:

[enter office address here]

B. My past client records are located at:

[enter address(es) here]

C. My Psychological Test materials are located [enter location here]

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D. Billing and financial records related to my psychology practice are located at my home office:
[enter address here]

E. Some or all of my client, billing and financial records are on a computer, located at [alternate address]:
[enter alternate address here]

and my password (s) are as follows: [enter any passwords here]

F. My appointment book is located [enter location here], and client phone numbers are located [enter location(s) here] in my appointment book.

G. My e-mail address is [enter e-mail address here], and the password is:
[enter password here]

H. My office voice mail number is: [enter office voicemail here]

and the voice mail access code is: [enter voice mail access code here]

I. Any necessary keys you will need for access to my office are [enter location of keys]. Keys for the filing cabinet are located [enter location here]

J. For assistance in locating/ accessing my records you may contact [enter contact name here]

[enter contact phone number(s) and address here]

K. In addition, the following person(s) may be helpful in locating/accessing my records: [enter any additional names, addresses and phone numbers here]

6. Specific instructions for my Professional Executor are:

A. First of all, I would like to express my deep appreciation for your willingness to serve as the Professional Executor for this will.

B. There are four copies of this Professional Will. They are located as follows:

[enter locations of all copies of the will, for example:

- a. One is in your possession.
- b. One is in the possession of my lawyer.
- c. One is with my personal will.
- d. One is with my professional liability insurance policy is filed under Insurance in my home office filing cabinet.]

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C. The files, telephone numbers and addresses of current and selected past clients who can be notified about my death and any planned memorial services is located in the "Current" drawer of the tall beige filing cabinet in my office [enter office address here].

- a. Please use your clinical judgment and discretion in deciding how you want to notify current and past clients and whether or not to publish a notice in the newspaper notifying clients of my death and who to contact for further information.
- b. If clinically indicated, you may wish to offer a face-to-face meeting with some clients. You may also wish to provide three referral sources, which can, of course, include yourself.

D. My professional liability insurance is currently provided by:

[enter name of insurance provider and address and phone number here]

My policy # is: [enter number of insurance policy here]

Please notify my professional liability carrier in writing of my death as expeditiously as possible and arrange for any additional coverage that may be appropriate. The professional liability carrier may require a copy of my death certificate or other proof of my death. Please also notify the College of Psychologists of British Columbia.

E. Please arrange for copies of referred clients' records to go to their new therapists. All remaining records should be maintained according to the CPBC Code of Conduct and Practice Advisories.

F. For immediate assistance, it is recommended that you contact a fellow registrant knowledgeable about Professional Wills and the role of the Professional Executor. Please refer to Section 2 in this document for the names of two registrants who have agreed to perform this function. If you have further questions, please put these in writing to the College of Psychologists of B.C.

G. Arrangements have been delineated in my Personal Will so that you may bill my estate for your time and any other expenses you may incur in executing these instructions.

I declare that the foregoing is true and correct.

Executed at _____ .
(location) (Date)

(Signature of Registrant) (Date)

I agree to serve as Executor for this Professional Will:

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(Printed Name of Professional Executor)

(Signature of Professional Executor) _____
(Date)

I agree to serve as Back-up Executor for this Professional Will:

(Printed Name of Back-up Executor)

(Signature of Back-up Executor) _____
(Date)

WITNESSES: _____
(Printed Name of Witness)

(Signature of Witness) _____
(Date)

Residing at: _____

(Printed Name of Witness)

(Signature of Witness) _____
(Date)