



Avoiding Risk

Like all social workers, behavioral health professionals face the risk of litigation, but there are ways to avoid it.

Every behavioral health professional faces the constant threat of administrative hearings or a lawsuit. These entanglements drain time, energy, and resources that could otherwise go toward serving clients. Behavioral health professionals already operate under immense pressure, always balancing the emotional weight of their work with the demands of ethical and clinical responsibilities. Legal threats add unhealthy pressure that can impact their ability to provide quality care. To protect themselves and their practice, behavioral health professionals must understand the risks and establish proactive strategies to mitigate the danger of legal action against them.

Common Causes

Some lawsuits begin as malpractice or a lack of knowledge on the part of behavioral health professionals, while others arise from misunderstandings between clients and practitioners. Understanding the common reasons for lawsuits is the first step to prevention.

Malpractice—often the result of negligence or lack of knowledge—can drive lawsuits against behavioral health practitioners. Unprofessional behavior, such as breaches of confidentiality, improper termination, or dual relationships between practitioners and clients, can quickly turn

into lawsuits. Inadvertent violations can come from a lack of familiarity with mandated reporting requirements, organizational policies, or the professional code of ethics.

Misunderstandings can also result in lawsuits. Poor communication about treatment goals, methods, or limitations can leave clients feeling dissatisfied or misled. When expectations are not clearly managed from the outset, clients may become frustrated with their care, regardless of its quality. Failure to address client complaints or concerns early on can also allow minor grievances to turn into formal legal action.

Some behavioral health professionals are at especially high risk of lawsuits. Supervising other practitioners, working with children, or treating clients with severe conditions such as suicidal or homicidal ideation, increases the likelihood of lawsuits. Exercising particular care can help these professionals prepare for and mitigate risks.

Proactive Prevention

While no strategy can entirely eliminate the risk of lawsuits, taking proactive steps based on an understanding of common causes can significantly reduce the likelihood of legal complications.

At the start of treatment, provide clients with a clear, written explanation

of the treatment plan that walks them through the goals, methods, potential risks, and limitations. This ensures transparency and helps manage expectations.

Practicing within your expertise is critical. If a client's needs extend beyond your scope, refer them to an appropriate specialist. While emotional investment in clients can make it easy to want to help them even as their needs evolve, it is essential to make sure they are always treated by the most qualified practitioner.

Stay vigilant about recognizing dissatisfaction or complaints. Identify problematic cases early and take action to ensure your clients receive the care and attention they need. Too often, clients' attempts to express their frustrations go unnoticed amid the rush of regular tasks. Proactively addressing these concerns can prevent them from escalating into formal action.

Familiarize yourself with the code of ethics as well as your organization's policies and procedures. This allows you to make informed decisions based on the guardrails set around your work. Operating strictly within the parameters of these documents can help protect you in the case of a lawsuit.

Every behavioral health professional should have malpractice insurance. Lawyers who specialize in behavioral health professionals' needs are invaluable partners. Just as clinical colleagues can offer insight into care delivery, lawyers are important resources for navigating the ins and outs of legal requirements, especially in complicated cases. Having a lawyer just a phone call away allows you to move forward with confidence and clarity as you serve clients.

Conclusion

The threat of legal action is an unfortunate reality for behavioral health professionals, but it doesn't have to derail their practice or diminish their ability to serve clients. Understanding the common causes and implementing proactive measures creates a safety net that allows professionals to focus on what matters most: helping clients thrive. ■

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