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### WHEN A CLINICAL SOCIAL WORKER IN SOLO OR GROUP PRACTICE DIES

NASW has received numerous telephone calls from co-workers and family members of NASW members seeking assistance with the estate of a clinical social worker in solo or group practice who has died. In many situations, death and disability occur unexpectedly; therefore, it is important for clinical social workers to prepare their private practice for such circumstances by preparing a professional will. Doing so allows for a smooth transition of services for patients during a difficult period and provides important guidance for the person designated to close the practice and resolve paperwork.

#### Preparing Your Practice

Although you may not like to think about death, it is important for clinical social workers to consider provisions for their practice in the event of their death. Preparation of your practice for your death is the best practice to allow for a continuum of services. A recommended list of options includes the following:

- Seek legal counsel and discuss options for the estate of your practice with an attorney skilled and experienced in mental health law.
- Prepare a professional will that includes directions for your solo or group practice including instructions on how to access patient records and how business-related expenses should be paid.

- Select an appropriate colleague or designee familiar with the practice of social work to handle the transfer or closing of patient matters.
- On your office's intake form and/or contract with patient, include provisions about services in the event of your death.
- Make a list of referrals for patients to receive on-going services in the event you are unable to continue providing services.
- Make provisions for the disposition of the patient records, including identification of a storage place.
- Keep all records and claims up to date.

#### Lack of Preparation

Should there be no preparation for the clinical social worker's death, the executor of the estate or designee should consider the following options:

- Consult with an attorney about the estate of the clinical social worker who has died.
- Ensure confidentiality of patient records. No one may be privy to the contents.
- Mail a letter to all of the clinical social worker's patients to inform them of his or her death.

- Inform patients how they may obtain their files if needed.
- Give patients referral options to continue services if needed.
- Place a brief message on the office's voicemail and e-mail for several months.
- Locate a safe, secure place to store locked files. Check state laws regarding record retention after the death of a provider.
- Notify the professional liability insurance agency of the clinical social worker's death. (NASW's agency is the American Professional Agency, 1-800-421-6694.) Should the clinical social worker be insured under the NASW program, the Extended Reporting Period coverage may be available at no cost or for a nominal fee. This coverage is essential because it protects the estate from future malpractice suits that may qualify for coverage.
- Contact appropriate managed care companies and insurance companies to inform them of the clinical social worker's death.
- When appropriate, submit outstanding claim forms.
- Follow tips in the NASW brochure *Retiring or Closing a Private Practice?* available online from NASW Press at [www.naswpress.org](http://www.naswpress.org).

A professional will provides others with basic guidance for taking care of the unfinished business of a solo or group practice. Clinical social workers should prepare a professional will, review it on a regular basis, and make immediate updates when changes occur.

### Resources

Bernstein, B., & Hartsell, T. (2004). *The portable lawyer for mental health professionals*. New York: Wiley.

National Association of Social Workers. (2003). *Clinical Social Workers in Private Practice: A Reference Guide*. Available online at [www.naswpress.org](http://www.naswpress.org).

Pope, K., & Vasquez, M. (2005). *How to survive and thrive as a therapist*. Washington, DC: American Psychological Association.

Zuckerman, E. (2008). *The paper office*. New York: Guilford Press.