

Liability in Clinical Supervision

Enhancing Competency & Reducing Risk

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October 2017

What is supervision?

A Broad Definition

- “Education and training aimed at developing science-informed practice. . . facilitated through a collaborative interpersonal process. Supervision ensures that clinical consultation is conducted in a competent manner in which ethical standards, legal prescriptions, and professional practices are used to promote and protect the welfare of the client, the profession and society at large.” (Falender & Shafranske, 2004)

What is supervision?

Relationship and Identity

- “The relationship focused on the development, enhancement and evaluation of the supervisee’s skills, knowledge and behavior. . . . The ultimate effectiveness and success of supervision depends . . . upon the nature and quality of the relationship between the supervisor and supervisee. . . Supervision has a central role in the development of professional identity and commitment to ethical behavior.” (ASPPB, 1998)

What is Supervision?

Process Definition

- “Clinical supervision is a disciplined, tutorial process wherein principles are transformed into practical skills. . . .”

(Powell, D.B. & Brodsky, A. 1998)

“Disciplined” means

- Regularly scheduled
- Time limited
- Specific agenda and expectations

Powell asks: “How much time do you spend each week supervising your counselors?”

If your answer is 40 hours a week, it fails the discipline test. “Catch you in the hall” is not disciplined!

“Tutorial” means

Teaching that includes:

- Individual assessment of progress
- Individualized training plan

Tutoring begins with an assessment of what the supervisee already knows and what s/he needs to know

Principles into Practice

- Learning to identify the interventions (what) and the principles (why) of therapeutic process.

A supervisee may be quite empathic and intuitive, but “entry-level counselors lack the grounding needed for identifying what they did and why they did it. . . . They have minimal background in conceptualizing treatment plans and justifying specific clinical interventions”

(Powell and Brodsky)

What is Supervision?

A relationship definition

Clinical supervision “is a working alliance targeted toward goals of mastery of specific skills, a broader scope of concern for the client, awareness of one’s own impact on the counseling process, and translation of theory into practice. . . . It is an “intensive, evaluative, ongoing and demanding relationship . . . that encourages both vulnerability and independence.”

(Powell & Brodsky)

What is supervision?

A Liability Focused Definition

- “Supervision occurs when you are overseeing those who cannot legally do what they are doing without your oversight. When supervising others, you have legal responsibility for their actions. Everything else is consultation and should be labeled as such.” (Bennett, et al, 2006)

Supervision vs Consultation

- Supervisor has elevated legal risks: Responsible for work product & full legal responsibility for the services delivered
- Legally, the supervisory relation is a hierarchal one, not a democratic one with empowerment of the supervisee as a goal
- Person seeking consult retains the responsibility to accept or reject advice
- Consultant has no assurance that the information provided by consultee is accurate or comprehensive

A supervisor is less likely to be held responsible in court if:

- The supervisee deliberately withheld information from supervisor
- The supervisee directly violated supervisor's instructions
- The supervisor made a supervision note, dated & signed, summarizing what the supervisor directed the supervisee to do.

A supervisor is more likely to be responsible in court if:

- Failed to meet with supervisee on a regular basis
- Failed to correct ongoing problems that had been identified
- Ignored supervisee's requests for help or disregarded his/her expressed concerns
- Did not establish a mechanism for supervision to encompass the supervisee's entire caseload

What is good supervision?

A useful approach by Falender and Shafranske

Four 'superordinate values' inform supervision:

- 1. Integrity-in-relationship**
- 2. Ethical values-based practice**
- 3. Appreciation of diversity in all its forms**
- 4. Science-informed practice**

Integrity in relationship

A state of completeness and moral incorruptibility in the supervisory relationship.

“Corruption, whether from ethical violation (i.e. boundary violations), supervisory incompetence, or inattention to supervisory responsibilities, compromise the integrity of the relationship and...the therapy the supervisee is conducting.”

Ethical values-based practice

Emphasizes the role of supervisors as role models for their supervisees.

“Supervisors assist supervisees in targeted exploration of values as they impact human decision making, but without moving into psychotherapy or counseling roles. Ethics and competence are yoked together...”

Appreciation of diversity

Diversity competence requires open discussion & self-awareness of multiple personal factors by both supervisee and supervisor in the context of the client's presentation. Included are belief systems, biases, assumptions, values, expectations and worldview.

Science-informed practice

“Increasingly, integrating science and practice means following evidence-based practices and integrating knowledge, skills and values associated with these practices into conceptualization and treatment.”

Suggestions to improve your supervisory practice:

- Assess supervisee's training, supervised experience and experience of supervision at the outset of supervisory relationship.
- Establish a Supervision Agreement that outlines roles and responsibilities, expected content of supervision, duration of supervision.
- Keep good notes.
- Limit the number of supervisees you are overseeing (most resources recommend no more than 4 or 5).

Improving supervision practice

- Create an atmosphere in which honesty and healthy self-reflection occur.
- Be willing to raise issues, tensions or corruption risks in the supervisory relationship and model healthy discussion and problem solving.
- Remember that the supervisory relationship tends to reinforce the supervisee for 'looking good' or avoiding self-disclosure of lack of knowledge or shortcomings—do not be lulled into thinking that your supervisees can handle everything that comes up.

Improving supervision practice

- Remember that a client who consents to treatment by a student or licensure supervisee is NOT consenting to substandard care. Never give your supervisee a work assignment that they are not capable of performing.