

CONNECTIONS

The Newsletter for Addiction Professionals



President's Message

By Brent Stachler

"Our common welfare should come first; personal progress for the greatest number depends upon unity."
- Al-Anon Tradition Number One of Twelve

At our Board's recent retreat, one central theme focused upon unity. At this annual strategic planning event, the Board gathers for the purpose of developing goals for the current year. Working together as a team with shared values, this task is accomplished much in the same way as a sport's team.

During the past two months, my children have been involved in Upwards basketball and had previously participated in a soccer program. Having these opportunities to learn concepts of the games and of being on a team has been a fruitful experience for them. In both of these sports, the values of passing the ball and working together as a team are emphasized. Each player is challenged to sacrifice for the team for its common welfare. When these values are implemented, oftentimes they are positively reinforced with accomplishing the goal of scoring points.

I am grateful to state that The IAAP Board of Directors works in much the same way. Each member has sacrificed their time and made a commitment to serve, working towards our purposes.

These purposes, as stated within our Bylaws, remain as:

- a. To foster public awareness of addictions as treatable diseases;
- b. To promote and advocate for legal and medical reforms in the treatment of addictive diseases;
- c. To advance the science of addictive diseases through research, study, and scholarship;
- d. To elevate and maintain the standards of education for licensure and/or certification required to counsel people with addictive diseases;
- e. To elevate and maintain the standards of ethical and professional conduct in the provision of addiction services;

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f. To elevate and maintain the standards of honor, dignity, and integrity of addiction service providers;

g. To engage in any such activities as may be desirable or required to fulfill the mission and purposes of IAAP.

As your President, it is my hope that this association will continue to grow and expand as a result of the nurtured unity.

Only our Best,

Brent A Stachler, MS, LMFT, MAC

Brent Stachler, LMFT, MAC, ICAC II, NCGC I
IAAP President

JOIN US – Registration Enclosed!
IAAP SPRING CONFERENCE 2009
April 17-18

Reminder – Members will vote on the proposed bylaws changes during the membership meeting on Friday, April 17th.

If you need a copy of the proposed changes, please reference last quarter's newsletter or contact Central Office.

What is the Impact of High-Quality Clinical Supervision on Substance Abuse Treatment Staff Turnover?

February 2009

Research Summary and Comments

Clinical staff turnover is high in addiction treatment programs and is associated with disrupting the clinical relationship and lowering the quality of care. Efforts to implement evidence-based practices may be hampered by staff turnover, and replacing personnel is costly. The relationship between substance abuse counselors' perceptions of clinical supervision and their intent to leave employment was studied among community treatment programs participating in the National Institute of Drug Abuse Clinical Trials Network. A total of 1643 questionnaires were mailed, and 1001 were returned (response rate, 60.9%). Of these, 823 met inclusion criteria. Results indicated that high-rated clinical supervision was associated with:

- Less intention on the part of counselors to leave their jobs.
- Less emotional exhaustion.
- Greater feelings of autonomy.
- Higher perception of procedural justice (i.e., fairness of decision making within their organization).
- Higher perception of distributive justice (i.e., fairness of job demands and rewards).

Comments by Michael G. Boyle, MA

Training clinical supervisors and reviewing the quality of clinical supervision is time-consuming and expensive. However, opening the "black box" of supervision to observe its impact and modifying it as necessary may be worth this investment. The counselors surveyed in this study were part of a unique research network, and their situation may not be representative of other programs in the United States. Nonetheless, high-quality clinical supervision can improve the quality of addiction treatment while simultaneously reducing the financial costs that result from staff turnover. Addiction counselors should advocate for it within their organizations.

Reference:

Knudsen HK, Ducharme LJ, Roman PM. Clinical supervision, emotional exhaustion, and turnover intention: a study of substance abuse treatment counselors in the clinical trials network of the National Institute of Drug Abuse. *J Subst Abuse Treat.* 2008;35(4):387-395.

Across the Ethics Desk – By Ron Chupp

One of the issues encountered by many counselors who have been in the addictions field for any length of time has to do with court testimony. If you have not yet testified in court regarding a client, be prepared, because you will. Court testimony involves several issues that must be addressed to fully understand all of the potential ramifications.

The most common question I have received regarding court issues since starting this column is, "How do we respond to a subpoena for client records?" The answer is: *We don't*. Subpoenas requesting records are usually issued by attorneys who have *no legal right* to those records. Trial Rule # 34 exempts mental health or addictions agencies and counselors from the requirement to produce records to any attorney, and in some cases, even to the court itself. Attorneys and judges are well aware of this rule, although they may get a little blustery when we invoke it. That is OK. It is far better to have an attorney riled up than to be sued by a client for breaching their sacred confidentiality by providing their records to an attorney in response to a mere subpoena. Write a letter to the attorney who issued the subpoena stating that you do not have to respond to any request for records per trial Rule # 34. If issued by the court, have an attorney file a motion to quash the subpoena.

An additional question is, "What happens when we get a subpoena to testify in court?" We *must* respond to a subpoena to testify in court *by showing up* in the appointed place at the appointed time. That is all. A subpoena can *not* compel us to testify for or against a client. *Only* a court order can force us to testify regarding a client. If I have information which may benefit a client, I will inform their attorney before the hearing that I must have a court order to testify for the client. The attorney will usually ask the judge to order me to testify in the case.

What constitutes a court order? The most common form of court order is a verbal order issued by the judge who is presiding over the hearing. This almost always occurs when you have responded to a legal subpoena and have been called by an attorney to the witness stand for testimony. You are required to give your name, place of work, education, credentials, and years in the field. However, when either attorney asks the *first* question about the client, you must address the judge by stating, "Your Honor, with all due respect, according to CFR 42 Part 2, I am unable to respond to any questions regarding my client without the court ordering me to do so." At that point, the judge will order you to testify, and you may do so without any legal or ethical repercussions.

Across the Ethics Desk continued from page 2

The other form of court order is a written order of the court which can be mailed or served by a deputy or other officer of the court in your jurisdiction. Written orders are usually for client records. You *must* respond to a court order for client records, but you should contact a knowledgeable attorney to see to what extent you are required to comply with the court order—there *are* legal exceptions. If no exceptions apply, make copies of the records and take both the copies and original record to court with you. If the court keeps the copies, return the originals to your office. If the court takes the originals, ask for a receipt.

The IAAP Code of Ethics addresses this issue in Principle 4-A: *IAAP members will maintain adequate knowledge of and adhere to applicable federal and state laws, ethical codes and professional standards of practice.* In other words, you, as certified counselors, *must* be or become aware of *all* of the laws that apply to our profession as an integral part of ethical practice. This includes CFR 42 Part 2, Public Law 104-19 (HIPAA), Trial Rule #34, I.C. 12-37-3-4, and I.C. 16-41-8-1, among others.

Another very important issue to remember when testifying is that we are *not* considered expert witnesses by the courts (except for those among us with M.D.s or Ph.D.s). We are considered *lay* witnesses. This means we are only able to testify to *facts* in any case—we can testify only to what we have personally seen or heard—we may *not* give our opinions, no matter how strongly we hold them. The *only* area where we *may* be called upon to give our opinion is in regards to our diagnostic *impressions* (*not* diagnosis) of the client, and the preferred course of treatment for the client. However, we must have solid ground for any diagnostic impressions and treatment recommendations we make.

For example, when asked about diagnostic impressions, I always refer to the diagnostic criteria established by the American Psychological Association in the DSM IV-TR. Be prepared to list the seven diagnostic criteria for substance dependence, which of these the client met, and what specific behaviors you observed or information you gathered that met those each of the criteria. When asked about treatment recommendations, I always refer to the placement criteria established by the American Society for Addiction Medicine (ASAM). Both of these documents are considered legitimate sources of information for mental health and addictions issues by the courts, and most judges are familiar with the DSM IV due to emergency detention hearings they hear for mental health centers. You need to have copies of both of these documents available at your agency and *know how to use them.*

We will know before we get to court if we will be called to testify *for* the client (defense) through his or her attorney, or *against* the client (the state) through the prosecuting attorney. Know in advance what the attorney for whose side you are testifying will ask you in court. Be professional enough to ask—neither you nor they want any surprises on the witness stand. And remember that the attorney for the other side will try to make you feel incompetent. Avoid engaging in dialogue with the attorney for the other side—answer only “Yes” or “No” when asked a direct question. When an attorney tries to engage you in dialogue, simply ask them to restate the question until they ask you a yes/no question—*do not volunteer information.* All in all, the best way to respond in court is to answer as if *you* were on trial (some of us remember those days). Most important is to know the case well—over-prepare for court so you do not get caught up in conjecture or speculation.

Finally, your demeanor in the court room is vital. Dress appropriately and professionally. Pay attention to the proceedings. Do not chew gum. Do not make noise or speak in the courtroom unless you are on the witness stand or addressed directly by the judge or one of the attorneys. Always address the judge as “Your Honor”, no matter how well you may know them outside the courtroom. Watch your nervous laughter. Remain cool and professional. Check your emotions at the door. Do not get rattled! If you start to get rattled ask the attorney to restate or rephrase the question—this will give you time to regain your composure. We must remember to give the courts as well as our clients *only our best.*

Ron Chupp

Be sure sign-up and attend the IAAP Spring Conference and thank our Lunch Sponsor



and other exhibitors/sponsors!



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OPEN

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**SAVE THE DATE –
IAAP Spring Conference**

Friday & Saturday
April 17 & 18, 2009
8:15 – 4:15

IAAP Fall Conference

Friday & Saturday
October 16 & 17, 2009
8:15 – 4:15

Location:

Indiana Wesleyan University – Indpls.
3777 Priority Way South Drive
Indianapolis, IN 46240

IAAP

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