



# APA AND LRA'S WORK AROUND INNOVATIVE PRACTICE MODELS

**Shirley Ann Higuchi, JD**  
**Associate Executive Director**  
**Office of Legal and Regulatory Affairs**



# Enhanced Co-Location and Integrated Care

- APA and LRA have history of supporting different models of practice
  - *Regional Summits*
  - *Think Tank of Entrepreneurial Psychologists*
  - *Individual Consultations*
  - *Access to Outside Legal Expertise*
  - *Resource Development*
- Reminder of Key Issues
  - *Fee Splitting (Referral Fees) / Anti Kickback*
  - *Corporate Practice of Medicine*
  - *Risk Management*

# Innovative Practice Model Summits (IPMS)

- 5 Events between 2015 – 2017
  - *Discussion of different models of practice with expert panels*
  - *Events held in NY, SLC (now PLC), DC, Chicago and Houston*
  - *Co-sponsored and supported by 20 State Psychological Associations*
- Summits Led to Think Tanks
  - *Entrepreneurial psychologists met to brainstorm on moving forward with IPMs*
  - *Efforts underway to establish psychologist-run MSOs*

# Additional Support

- Individual State Programming Opportunities
  - *Dr. Robin McCleod held local summit when she was president of Minnesota Psychological Association*
  - *LRA may assist other SPTAs with similar events*
- Written and Video Resources for Members
  - *Content for Practice Update and Good Practice*
  - *Videos of summit on APA Services website*
  - *Alternative Payment Models Training by Kevin Ryan of Epstein, Becker & Green*
- Professional Resources for Members
  - *Access to LRA Staff*

# Key Issues in Enhanced Co-Location Settings

- Fee Splitting / Anti-Kickback Statute
  - *Inappropriate to give or accept fees or other compensation for referring a patient*
  - *AKS prohibits the offer or exchange of compensation for health care services reimbursed by a federal health care program*
- State Corporate Laws
  - *Some states prohibit a general corporation from practicing psychology*
  - *Some state prohibit providers from different fields to form a corporation*
- Risk Management Issues
  - *Level of autonomy*
  - *Informed Consent*
  - *Vicarious Liability*

# LRA's Role in Toolkit

- Collaboration with Division 42 and other stakeholders to determine relevant content areas for inclusion
- Devote resources to the development of the Toolkit, including LRA staff attorney time and consultation with outside attorney Kevin Ryan from the law firm Epstein, Becker & Green
- Participate in promotion of Toolkit to APA/Division members

# Final Thoughts

- LRA is available to members who need assistance with the legal and business issues that arise when trying to develop an IPM, such as enhanced co-location
- In the past we had to prioritize inquiries by Practice Organization members because the PO funded these efforts
- Now that we're under the "One APA" model, all APA members get equal attention.
- Contact us at:

Office of Legal and Regulatory Affairs

202-336-5886

[praclegal@apa.org](mailto:praclegal@apa.org)