

“Professional Will”: the documents that collectively form the PLAN for the continuation of care of your clients and their records and the transfer of trusteeship to a chosen “Professional Executor”.

“Professional Executor”: the colleague you choose to enter into an Agreement with and appoint to act for you in the event of your incapacity or death.

A “Professional Will” consists of the following:

- ❖ An Agreement between you and your “Professional Executor”
- ❖ A Power of Attorney granting your “Professional Executor” the authority required to act in your place in the event of your incapacity
- ❖ A Will appointing your “Professional Executor” to serve as your personal representative upon your death

Why do I need a “Professional Will”?

- ❖ Ethical Obligations:
 - S. 20 of the Saskatchewan College of Psychologists Regulatory Bylaws require compliance with the Canadian Code of Ethics for Psychologists
- ❖ Legal Obligations:
 - Compliance with *The Health Information Protection Act* (HIPA)
 - Creates a continuing duty to protect health records (duty continues despite retiring from practice)
- ❖ Practical Considerations:
 - Absent a “Professional Will”, HIPA dictates that your personal representative (normally a spouse or child) becomes the “trustee” of all health records
 - This could present a serious burden for your family
 - There could be significant issues surrounding lack of informed consent

Creating the Plan:

- ❖ Contents of the Agreement
 - Appointment of “Professional Executor”
 - Client Records
 - Schedule/Appointments
 - Notification of Clients and Others
 - Managing and Winding Down the Practice
 - Financial Matters
 - Compensation
- ❖ Power of Attorney
 - Gives effect to the Agreement in the event of your incapacity
- ❖ Will
 - Gives effect to the Agreement in the event of your death

Executing the Plan:

- ❖ Immediate Actions
 - Establish access to records
 - Obtain access to schedule
 - Establish and implement notification procedures
 - Liaise with family – memorial service
- ❖ Short-Term Actions
 - Continue notifying clients
 - Assist clients with transition
 - Secure closed records
 - Liaise with family – personal effects, access to funds
 - Notify the College
 - Establish access to bank accounts and financial records
- ❖ Long-Term Actions
 - Complete transition of clients and records
 - Processing closed records
 - Winding down of practice