Preparing a Professional Will for Your Practice: Important Factors to Consider

NASW receives numerous telephone calls from co-workers and family members seeking assistance with the estate of a clinical social worker in solo or group practice who has died or become disabled. 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. 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, but is not limited to, the following:

- Seek legal counsel and discuss options for the estate of your practice with an attorney skilled and experienced in mental health law. It’s important to meet with an attorney to ensure that your professional will meets statutes and regulations in your jurisdiction and is consistent with provisions you may have in your personal will.
- To assume the role of professional executor of your professional will, select an appropriate colleague, family member, or any other person of your choice familiar with the practice of social work. This person will be responsible for closing your practice as you outline in your professional will. It is also helpful to designate a second person in the event your first choice is not available to help at the time of your disability or death. Review your wishes and plans by meeting with your chosen executor and backup designee. This helps to prepare them for their role as executor of your professional will in the event of your disability or death. Review your wishes and plans by meeting with your chosen executor and backup designee. This helps to prepare them for their role as executor of your professional will in the event of your disability or death.
- Inform your executor and backup designee how they may obtain a copy of your professional will in the event of your death.
• Include a brief statement on your informed consent which informs patients that in the event of disability or your death, you have designated a professional executor who will be given access to their records and may contact them directly to inform them of your disability or death, how to access their records, and to refer them to other services if needed.

• Provide a written list of colleagues, family members, or others who may be able to help with the closing or selling of your practice.

• Provide information on where to locate keys to the office door, file cabinets, and other important items that may be locked.

• Provide access information to computers, security doors, telephones, voicemails, and other items that may require a name and passcode. Instruct your executor to leave a brief message about the closing of your practice on your office’s voicemail and email for several months.

• Identify the location of your policy manual and review it with your executor.

• Maintain a list of your professional email address(es), telephone number(s), website address(es), social media accounts, and web server.

• Identify any storage facilities including clouds where you have stored patient information and where your paper and/or electronic backup files are located.

• List your professional liability insurance company, policy and telephone numbers, email address, and location of policy. Instruct your executor to acquire Extended Reporting Period coverage for the closing practice to provide coverage after your death. This coverage is essential because it protects your estate from future malpractice suits that may qualify for coverage.

• Make available a list of all third-party payers with whom you are a provider. Provide their contract and contact information to the executor who should inform them of your death.

• Provide access to your billing and financial records. This may help to facilitate submission of outstanding claims.

• Inform the executor how to access your current and past records of patients and their contact information. Make sure your records are up to date.

• Identify the physical or digital location of your appointment book, calendar, or daily planner.

• Make a list of referrals for patients to receive ongoing services in the event you are unable to continue providing services.

• Identify secure storage place for your patients’ records after your death. Confidentiality of records should be protected even after your death and no one may be privy to the contents.

• Include instructions about how all business-related expenses are to be paid including the executor of the professional will.

• Provide the names and contact information for the utility companies and the landlord.

• Update your professional will as changes are made in your practice.

A professional will provides others with basic guidance for taking care of the unfinished business of a solo or group practice. It also helps patients to have continuity of care, protects confidential records, and ensures that the practice continues to meet professional standards until it is closed or sold.

Resources

The following resources are available to assist you in preparing a professional will. Because state statutes and regulations vary per state, it is best to consult with an attorney when preparing your professional will.


Preparing a Professional Will for Your Practice: Important Factors to Consider

NASW receives numerous telephone calls from co-workers and family members seeking assistance with the estate of a clinical social worker in solo or group practice who has died or become disabled. 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.

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, but is not limited to, the following:

- Seek legal counsel and discuss options for the estate of your practice with an attorney skilled and experienced in mental health law. It’s important to meet with an attorney to ensure that your professional will meets statutes and regulations in your jurisdiction and is consistent with provisions you may have in your personal will.
- To assume the role of professional executor of your professional will, select an appropriate colleague, family member, or any other person of your choice familiar with the practice of social work. This person will be responsible for closing your practice as you outline in your professional will. It is also helpful to designate a second person in the event your first choice is not available to help at the time of your disability or death.
- Review your wishes and plans by meeting with your chosen executor and backup designee. This helps to prepare them for their role as executor of your professional will in the event of your disability or death, and it provides you with an opportunity to answer questions they may have about your practice and requests.
- Inform your executor and back-up designee how they may obtain a copy of your professional will in the event of your death.

Note: The purpose of this document is to provide information only. It is not intended to provide legal advice but to help clinical social workers get started in developing a professional will prior to meeting with an attorney.

Mirean Coleman, LICSW, CT
Clinical Manager
mcoleman.nasw@socialworkers.org

The National Association of Social Workers
750 First Street NE
Suite 800
Washington, DC 20002-4241
SocialWorkers.org