



COACHING vs. THERAPY

Frequently Asked Questions

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CAMFT's Legal Department routinely receives calls from pre-licensed and licensed members who want to better understand the differences between coaching and therapy and whether it is lawful and ethical for pre-licensees and licensees to provide coaching services. Here are answers to the most frequently asked questions.

How is coaching different from psychotherapy?

Unlike the practice of psychotherapy, coaching is not regulated by the government. In other words, there are no state or federal laws nor regulations that govern coaching as a profession or define a scope of practice for those who offer coaching services. Any person can hang a shingle and label himself or herself as a coach. Coaching does not require a license, specific education, or experience. Within the past 20 years, however, professional associations such as the International Coach Federation (ICF) and the International Association of Coaches (IAC) have been established to help guide the practice. These associations have created standards for those who work and/or plan to work as coaches.¹

Since coaching is self-regulated as opposed to government-regulated, the practice of coaching is broadly defined. For example, according to the ICF, coaching is the future-focused practice of partnering with clients in a thought-provoking and creative process that inspires them to maximize their personal and professional potential. Professional coaching focuses on setting goals, creating outcomes, and managing personal change.² The IAC defines coaching as a transformative process for personal and professional awareness, discovery and growth.³ According to the IFC, a coach is responsible for discovering, clarifying, and aligning with what the client wants to achieve; encouraging client self-discovery; eliciting client-generated solutions and strategies; and holding the clients responsible and accountable for meeting goals and creating outcomes. For these reasons, coaching often relates to career development, achievement, and advancement. While these definitions are instructive to a degree, the lack of a regulated scope of practice could make the boundaries of a coaching relationship somewhat nebulous.

Without a universally recognized definition of coaching, perhaps it is more helpful to explain what coaching is not and when the actions of a coach may constitute an unlawful practice. Legally, coaches are not psychotherapists. Pre-licensees and LMFTs who are considering working as a coach must understand how and why coaching is distinct from the work of a psychotherapist. The practice of psychotherapy,

whether as a marriage and family therapist, clinical social worker, psychologist, or professional clinical counselor, is defined under state law. According to Business and Professions Code Section 4980.02, those engaged in the practice of marriage and family therapy are performing a service with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family therapy adjustments.⁴ The scope of practice of an LMFT includes the use, application, and integration of the diagnosis, assessment, prognosis, and treatment of mental disorders. As part of their educational requirements for licensure, LMFTs receive cross-cultural training, specific instruction in alcoholism and other chemical substance dependency, as well as psychopharmacology. LMFTs diagnose and treat severe mental illnesses such as: schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorders, panic disorder, obsessive-compulsive disorder, autism, anorexia, and bulimia. LMFTs also routinely work within county mental health agencies, hospitals, prisons, and jails treating serious mental illness and alcohol and drug dependency.

Unlike licensed psychotherapists or properly supervised registered associate, coaches do not have the legal authority and, therefore, may not lawfully diagnose or treat their clients' mental health illnesses. This is true regardless of whether a coach has received education and training similar to that of a psychotherapist. Furthermore, coaches may not delve into the past, provide a cure to a mental illness, or relieve mental and/or emotional suffering. Coaches may not seek to resolve the deeper underlying issues that cause serious mental and/or emotional problems. A coach who addresses issues of mental health or relationships without being appropriately licensed may be unlawfully practicing medicine and/or psychotherapy without a license. For example, a pre-licensee who concludes a job or volunteer position as a properly supervised Registered Associate Marriage and Family Therapist, but continues to treat his or her therapy clients without proper supervision under the guise that he or she is doing "coaching" could be accused of unlawfully practicing without a license.

Can Registrants or licensees advertise coaching services under their registration or MFT license?

The practice of coaching and the practice of psychotherapy are clearly distinct and, as such, it is recommended the practices be advertised separately to avoid confusing and/or misleading clients regarding the scope of work performed as a coach and/or psychotherapist. When practicing both professions, the best practice would be to have different business names, separate letterhead, business cards, promotional materials, and websites.

Do coaching clients have the same rights to confidentiality and privilege as psychotherapy clients?

No. There are no laws that ensure that information a coaching client shares during the course of a coaching relationship will remain private. This is another important distinction that explicitly distinguishes a coaching relationship from a psychotherapeutic one.

Confidentiality is both a legal and an ethical concept involving a restriction on the release of private information that is defined by various state and federal laws and ethical standards.⁵ Section 56 of the California Civil Code, otherwise known as the Confidentiality of Medical Information Act, describes confidentiality and its various exceptions, under California law.⁶ According to this statute, any information that a therapist maintains, whether electronically or in some other form, that documents or describes his or her assessment and/or treatment of a patient (whether or not still living), including information that contains any personal identifying information that would be sufficient to identify a patient, is confidential.⁷

The unauthorized disclosure of confidential information by a psychotherapist is designated as a form of unprofessional conduct under the California Business and Professions Code.⁸

California law further protects the confidential nature of psychotherapeutic relationships by recognizing that those relationships are privileged.⁹ The psychotherapist-patient privilege requires a psychotherapist to withhold records and testimony when a subpoena is served and the therapist has not

received a release of authorization from the client or the client has indicated that he or she does not intend to waive privilege.

Although coaching clients have a general right to privacy regarding certain information, including, but not limited to, finances, sexual history, physical or mental health,¹⁰ the laws and regulations that govern a psychotherapy patient's right to confidentiality and privilege do not apply to coaching relationships or the information shared by a coaching client. In other words, because coaching is not psychotherapy and because clients are not considered patients under the laws that protect psychotherapy patients, coaching clients could not successfully assert the psychotherapist-patient privilege in regard to records that may exist and/or information that may have been shared as the result of a coaching relationship.

Unfortunately, this point is not made clear in the Code of Ethics for coaching being promulgated by the IAC. The provisions of the IAC's ethical code regarding the confidentiality of coaching relationships are misleading because they mischaracterize a coaching client's right to privacy as a right to confidentiality. However, it is important to understand that those rights are not one in the same and that a mischaracterization may create an unreasonable expectation on the part of coaching clients that they enjoy a right to confidentiality as afforded by California law. Therefore, prior to establishing a coaching relationship with a client, coaches should make clear that although they will do their utmost to respect a coaching client's right to privacy, that right to privacy is not the same right to confidentiality that is enjoyed by psychotherapy clients.

Are agreements for coaching the same as agreements for psychotherapy?

Since there are no laws or regulations that govern the coaching profession, and because coaching clients do not possess the same rights to confidentiality and privilege as psychotherapy clients, agreements for coaching services should differ from agreements for psychotherapy services. It is recommended that an agreement for coaching include, but not be limited to, the following: an explanation of what coaching is and what services are

being provided, information about the parties' obligations, and an overview of the coach's credentials and qualifications. The terms of the agreement may cover methods of communication, the length and frequency of the coaching sessions, fees and any extra expenses, accepted methods of payment and time of payment. The agreement may also state that the services being provided do not constitute behavioral health treatment, counseling, or the practice of psychotherapy, and that a referral will be offered if these services are needed or requested. Finally, the agreement may comprehensively inform the client as to the limits of the relationship so that the client does not hold unreasonable expectations in regard to the relationship. For example, the agreement may explain that were the client to become involved in litigation, information revealed by the client could be discoverable as there is no "coach-client privilege" in California.

Can pre-licensees or LMFTs simultaneously provide therapy and coaching services to a client?
 Pre-licensees and LMFTs who simultaneously provide therapy and coaching services to a client could be alleged to have engaged in an unethical dual relationship with that client. According to Section 1.2 of *CAMFT's Code of Ethics*, a dual relationship occurs when a therapist and his/her patient engage in a separate and distinct relationship either simultaneously with the therapeutic relationship, or during a reasonable period of time following the termination of the therapeutic relationship. In order to avoid a dual relationship, professionals who are already engaged in a therapeutic relationship with a client should refrain from offering coaching services to that client. Therapists and registrants may, however, utilize coaching techniques as part of their therapy practice in order to aid clients in achieving their treatment goals.

Can a coaching client subsequently become a therapy client and vice versa?
 Although there are no specific legal or ethical restrictions that would prohibit a coach who is also a properly supervised registrant or a licensed psychotherapist from entering into a therapeutic relationship with a client once

the coaching relationship has ended or vice versa, coaches and psychotherapists must carefully consider the best interests of the clients when making these types of decisions. Coaches and psychotherapists should avoid moving from one relationship to another for their own financial gain. When terminating either relationship and beginning a new type of relationship with a client, the coach or therapist should be careful to explain the differences between coaching and therapy and how the rights of a coaching client are different than those rights held by a psychotherapy client. According to Section 1.2 of *CAMFT's Code of Ethics*, a dual relationship occurs when a therapist and his/her patient engage in a separate and distinct relationship either simultaneously with the therapeutic relationship, or during a reasonable period of time following the termination of the therapeutic relationship that is reasonably likely to impair professional judgment or lead to exploitation. In order to avoid an unethical dual relationship, it is recommended that mental health professionals who are engaged in a therapeutic relationship with a client refrain from offering subsequent coaching services to that client unless a reasonable amount of time has passed since the termination of the therapeutic relationship in order to avoid the risk of client exploitation.

Psychotherapists who are thinking about transitioning from a therapeutic relationship to a coaching relationship may want to put themselves in the shoes of their therapy clients and consider how difficult, if not impossible, it may be for a therapy-turned-coaching client to alter his or her understanding of the relationship and to maintain the boundaries of the new relationship. If it is clear that a client is unable to maintain proper boundaries, it is the coach or psychotherapist's responsibility to consider whether it is in the best interests of the client to terminate that relationship. Furthermore, coaches and psychotherapists should explain to their clients that once one type of relationship is established it may be ethically inappropriate to terminate that type of relationship for the sake of beginning another type. For example, a client who is moving from California to New York might ask a therapist if it is possible to terminate the therapeutic relationship and enter into a

coaching relationship so that they can continue working together. If it is the therapist's professional belief that based on client's presenting issues and/or diagnosis the client should continue seeing a therapist, it would be unethical for a therapist to terminate the therapeutic relationship and begin coaching the client just so that he or she could continue seeing the client. Before making a decision about whether to engage in a therapeutic relationship with a former coaching client or a coaching relationship with a therapy client, it would be wise to consult with a member of CAMFT's Legal Department and obtain clinical consultation from colleagues.

Does the malpractice insurance I have as a MFT pre-licensee or licensee cover my work as a coach?

No. Given that psychotherapy and coaching are distinct professions, a separate malpractice policy for coaching is required. However, liability insurance is available to coaches through CAMFT's affiliate CPH & Associates. CPH's Life Coach program benefits include the following: U.S. and international coverage for short business trips that do not exceed 30 days; zero deductible; professional liability on a claims-made basis; professional liability limits of \$1,000,000 per occurrence/\$3,000,000 aggregate; optional premises liability coverage; unlimited defense coverage; deposition expense coverage of \$5,000 per deposition/\$15,000 aggregate; and state licensing board defense coverage of \$25,000 aggregate. For members who are covered by CPH and would like more information, contact CPH at 800-875-1911.

Conclusion

Coaching and psychotherapy are entirely different professions and should be treated as such by those who wish to work in either or both capacities. Coaches must understand that having the education and training of a psychotherapist does not authorize one to engage in work of a psychotherapist. Those who plan to offer coaching services should possess a clear understanding of how coaching and therapy are different, be able to explain those differences to potential coaching clients, and maintain proper boundaries with those clients to avoid allegations of practicing psychotherapy unlawfully. For more information about coaching versus therapy,

visit the CAMFT website at www.camft.org and/or call CAMFT's Legal Department for consultation at 858-292-2638. ☺



Sara Jasper, JD, CAE, is a staff attorney for CAMFT. Sara is available to answer member calls regarding legal, ethical, and licensure issues.

Endnotes

¹ The website for the International Coach Federation is www.coachfederation.org. The website for the International Association of Coaching is www.certifiedcoach.org.

² The ICF offers individual credentialing as a Associated Certified Coach, a Professional Certified Coach, or a Master Certified Coach and identifies the following coaching specialties: Executive and Corporate Coaching, Small Business Coaching, Personal/Life Coaching, and Career/Transition Coaching

³ The IAC offers certification as either a Certified Masteries Coach or a Master Masteries Coach

⁴ Cal. Bus. and Prof. Code §4980.02

⁵ Cal. Civil Code, §56; Cal. Evidence Code, §1012; California Welfare & Institutions Code, §§5325; 5328; California Health & Safety Code, §1250 address confidentiality and other rights for patients who are involuntarily or voluntarily admitted to a facility for psychiatric evaluation or treatment. The Health Insurance Portability and Accountability Act of 1996 ("HIPAA")

⁶ Cal. Civil Code §56

⁷ Cal. Civil Code, §56.05(3)(g)(h)

⁸ Cal. Business & Prof Code, §4982. (m) (applicable to marriage & family therapists); California Business & Prof Code, §4992.3 (m) (applicable to social workers); California Business & Prof Code, §2960.(h) (applicable to psychologists)

⁹ Cal. Evidence Code Division 8, Chapter 4

¹⁰ Cal. Const., art. I, § 1

This article is not intended to serve as legal advice and is offered for educational purposes only. The information provided should not be used as a substitute for independent legal advice and it is not intended to address every situation that could potentially arise. Please be aware that laws, regulations and technical standards change over time. As a result, it is important to verify and update any reference or information that is provided in this article.

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