



## American Board of Psychiatry and Neurology, Inc.

A Member Board of the American Board of Medical Specialties (ABMS)

### MAINTENANCE OF CERTIFICATION COMBINED EXAMINATION IN FORENSIC PSYCHIATRY

#### 2020 Content Blueprint

(July 10, 2019)

<b>Number of questions: 100</b>		
01.	Legal regulation of psychiatry	17-21%
02.	Civil	17-21%
03.	Criminal	17-21%
04.	Death penalty	4-6%
05.	Corrections/correctional health care	8-10%
06.	Legal systems/basic law	7-9%
07.	Children/families	7-9%
08.	Special issues in forensic psychiatry	12-14%
<b>TOTAL</b>		<b>100%</b>

**Note:** A more detailed content outline is shown below.



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### MAINTENANCE OF CERTIFICATION COMBINED EXAMINATION IN FORENSIC PSYCHIATRY 2020 Content Outline

100 questions
<b>01. Legal regulation of psychiatry</b>
A. Hospitalization
01. Involuntary
a. Standard of proof ( <i>Addington v. Texas</i> )
b. Due process/dangerousness ( <i>Jackson v. Indiana</i> )
c. Least restrictive alternative ( <i>Lake v. Cameron</i> )
02. Voluntary ( <i>Zinerman v. Burch</i> )
03. Procedural due process ( <i>Lessard v. Schmidt</i> )
04. Patients' rights
a. Civil Rights of Institutionalized Persons Act (CRIPA)
b. Protection and Advocacy of Individuals with Mental Illness (PAIMI)
05. Outpatient commitment/alternatives to hospitalization
06. Failure to place mentally ill in community is discriminatory ( <i>Olmstead v. L.C.</i> )
B. Confidentiality/privilege/privacy
01. Definitions
a. Privilege ( <i>In re Lifschutz</i> )
b. Confidentiality ( <i>Doe v. Roe</i> )
02. HIPAA
03. Psychotherapist-patient privilege ( <i>Jaffee v. Redmond</i> )
04. Federal Rules of Evidence (FRE) 501
05. Exceptions to confidentiality/privilege
a. Police powers versus confidentiality
b. Limitations in fraud investigation
06. Reporting statutes
a. Reporting acts override federal confidentiality law ( <i>State v. Andring</i> )
b. Degree of reporting required ( <i>People v. Stritzinger</i> )
C. Right to mental health treatment
01. Constitutional right to treatment ( <i>O'Connor v. Donaldson</i> )
02. Professional judgment ( <i>Youngberg v. Romeo</i> )
03. Based on statute, not Constitution
04. Consent decree/minimal hospital standards ( <i>Wyatt v. Stickney</i> )



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D.	Right to refuse mental health treatment
01.	Standards/procedures
a.	Proxy decision making
i.	Judicial model ( <i>Rogers v. Commissioner</i> )
ii.	Professional model ( <i>Rennie v. Klein</i> )
iii.	Override of treatment approval ( <i>Application of the President and Directors of Georgetown College</i> )
iv.	Prisoners ( <i>Washington v. Harper</i> )
b.	Guardianship/conservatorship
c.	Substituted judgment
E.	Duty to warn/protect
01.	Law
a.	Statutes
b.	Case law
i.	Initial precedent ( <i>Tarasoff v. Regents of the University of California</i> )
ii.	Duty to detain ( <i>Lipari v. Sears</i> )
iii.	Foreseeable victim ( <i>Jablonski v. US</i> )
iv.	Driving
02.	Practice
F.	Informed consent
01.	Elements of informed consent
a.	Standard set by law ( <i>Canterbury v. Spence</i> )
b.	Reasonable person standard
02.	Exceptions
03.	Advance directives
04.	Research ( <i>Kaimowitz v. Michigan</i> )
05.	Withdrawal of life-sustaining treatment ( <i>Cruzan v. Director, Missouri Department of Mental Health</i> )
G.	Medical board issues/licensure
01.	National Practitioner Data Bank
02.	Professional health issues/impaired physicians
03.	Out-of-state licensure
a.	Forensic experts
b.	Telemedicine
04.	Physician-assisted suicide ( <i>Washington v. Glucksberg</i> )
H.	Research



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01.	Common Rule (45 C.F.R. 46)
a.	Institutional review board
b.	Vulnerable populations
02.	Ethics
<b>02.</b>	<b>Civil</b>
A.	Malpractice
01.	Standards of care
02.	Elements of malpractice
03.	Damage
a.	Punitive
b.	Compensatory
04.	Burden/standard of proof
a.	Reasonable medical certainty
b.	<i>Res ipsa loquitur</i>
05.	Types of negligence
a.	Comparative
b.	Contributory
c.	Negligence per se
d.	Gross negligence
06.	Malpractice insurance/types of policies
a.	Occurrence
i.	Punitive damages excluded from insurance coverage
ii.	Policy language determines coverage
b.	Claims made/tail coverage
07.	Types of malpractice claims
a.	Suicide/homicide and risk assessment
b.	Boundary violations ( <i>Roy v. Hartogs</i> )
c.	Medical management
i.	Tardive dyskinesia ( <i>Clites v. Iowa</i> )
ii.	Other issues
B.	Personal injury
01.	Legal principles
a.	Eggshell plaintiffs
b.	Zone of danger ( <i>Dillon v. Legg</i> )
02.	Causation
03.	Damages



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04.	Posttraumatic stress disorder (PTSD)/Traumatic brain injury (TBI)
C.	Workplace issues (AAPL Practice Guideline for the Forensic Evaluation of Psychiatric Disability)
01.	Workers' compensation
02.	Social Security/Supplemental Security Income (SSI)
03.	Disability
a.	Private
b.	Social Security Disability Insurance (SSDI)
04.	Harassment
a.	Definition ( <i>Meritor Savings Bank v. Vinson</i> )
b.	Hostile work environment ( <i>Harris v. Forklift Systems</i> )
c.	Same-sex harassment ( <i>Oncale v. Sundowner Offshore Services</i> )
05.	Discrimination/Title VII
06.	Americans with Disabilities Act (ADA)
a.	HIV ( <i>Bragdon v. Abbott</i> )
b.	ADA applies to prisons ( <i>US v. Georgia</i> )
07.	Fitness-for-duty evaluations
a.	Dangerousness
b.	Work impairment
D.	Competency for medical treatment and finance
01.	Guardianship/conservatorship of person and property
02.	Assessment of capacity
E.	Testamentary capacity
01.	Elements
02.	Undue influence
03.	Insane delusions
F.	Competency to enter into contracts
<b>03.</b>	<b>Criminal</b>
A.	Competency
01.	Stand trial (AAPL Competency to Stand Trial Practice Guideline)
a.	Assessment of competency to stand trial
i.	Standards ( <i>Dusky v. US, Godinez v. Moran, Wilson v. US</i> )
ii.	Procedural due process ( <i>Cooper v. Oklahoma</i> )
b.	Restoration of competency
i.	Involuntary treatment ( <i>Riggins v. Nevada, Sell v. US</i> )



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	ii.	Confinement for restoration ( <i>Jackson v. Indiana</i> )
	c.	Competency to represent oneself ( <i>Indiana v. Edwards</i> )
02.		Testimonial
	a.	FRE 601
	b.	Other
03.		Waive rights
	a.	Confessions ( <i>Colorado v. Connelly</i> )
	b.	Jury/counsel/appeals
	i.	Standards (knowing, intelligent, voluntary)
	ii.	<i>Alford</i> plea ( <i>North Carolina v. Alford</i> )
	c.	Silence
04.		Forensic assessment instruments
B.		Criminal responsibility (Insanity Defense Guideline)
01.		Diminished capacity ( <i>Montana v. Egelhoff</i> )
02.		Mens rea ( <i>Clark v. Arizona</i> )
03.		Insanity defense
	a.	Standards
	i.	Cognitive prong ( <i>M'Naghten</i> )
	ii.	American Law Institute Model Penal Code
	iii.	Federal Insanity Defense Reform Act
	iv.	Product test/ <i>Durham</i> rule ( <i>Durham v. US, Washington v. US</i> )
	b.	Waiving the defense ( <i>Frendak v. US</i> )
	c.	Disposition/outcome
	i.	Length of confinement ( <i>Jones v. US</i> )
	ii.	Criteria for confinement ( <i>Foucha v. Louisiana</i> )
04.		Postacquittal/Psychiatric Security Review Board
05.		Guilty but mentally ill
C.		Alcohol and drug prosecution
01.		Status ( <i>Robinson v. California</i> )
02.		Intoxication ( <i>Powell v. Texas</i> )
D.		Presentencing/diversion programs
01.		Diversion programs
02.		Mental health/drug courts
<b>04.</b>		<b>Death penalty</b>
A.		Ethics
01.		Physician participation



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02.	Treatment on death row
B.	Competence to be executed ( <i>Panetti v. Quarterman</i> )
01.	Definition ( <i>Ford v. Wainwright</i> )
02.	Restoration issues ( <i>State v. Perry</i> )
C.	Exceptions
01.	Intellectual disability ( <i>Atkins v. Virginia, Hall v. Florida</i> )
02.	Juveniles ( <i>Roper v. Simmons</i> )
03.	Mental illness
D.	Epidemiology
E.	Aggravating circumstances
01.	Due process protections ( <i>Estelle v. Smith</i> )
02.	Hypothetical questions about dangerousness ( <i>Barefoot v. Estelle</i> )
F.	Mitigating circumstances ( <i>Ake v. Oklahoma</i> )
G.	Victim impact testimony ( <i>Payne v. Tennessee</i> )
<b>05.</b>	<b>Corrections/correctional health care</b>
A.	Epidemiology
01.	Prevalence of mental disorders and substance abuse
02.	Demographics of correctional populations
a.	Gender
b.	Race
c.	Age
d.	Economic status
e.	Jail and prison census
B.	Settings
01.	Differences among lockups, jails, and prisons
02.	Community corrections
03.	Different custody classification settings (e.g., camps, minimum security, supermax)
C.	Special treatment programs
01.	Residential treatment units (e.g., SNU, ICU, ICP, RTP) for inmates with mental illnesses
02.	Inmates who exhibit inappropriate sexual behaviors (e.g., public masturbation, exposure of genitals)
03.	Inmates who self-harm (e.g., cutters, swallowers)
04.	Programs for inmates with developmental disabilities
05.	Geriatric inmates



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06.	End-of-life issues
D.	Treatment of the seriously mentally ill
01.	Understanding levels of care (e.g., crisis stabilization, residential treatment, outpatient, hospital)
02.	Service delivery issues
a.	Medication management/issues
b.	Continuity of care with clinicians
c.	Physical plant issues (e.g., need for adequate programming space, sound privacy, safety)
d.	Staffing issues
03.	Practice guidelines
a.	Psychiatric Services in Correctional Facilities, Third Edition. American Psychiatric Association
i.	Screening assessment process
ii.	Sick call process
iii.	Custody interface
iv.	Confidentiality/dual agency
v.	Other
b.	National Commission on Correctional Health Care guidelines on mentally ill inmates in segregation (locked-down settings)
c.	APA resource document on the use of restraints and seclusion in correctional settings
E.	Suicide prevention
F.	Prison Rape Elimination Act (PREA)
G.	Due process issues, including role of mental health clinician in disciplinary process
01.	Involuntary hospitalization ( <i>Vitek v. Jones</i> )
02.	Involuntary medication ( <i>Washington v. Harper</i> )
03.	Undue hardship
04.	Civil commitment following incarceration ( <i>Baxstrom v. Herold</i> )
H.	Sociology of correctional institutions
01.	Gangs
02.	Protective custody issues
03.	Prison culture (e.g., snitching, correctional officer wall of silence)
I.	Conditions of confinement
01.	Segregation settings
02.	Supermax settings





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	03.	Cell versus dormitory settings
	04.	General environment (physical conditions, recreational time) ( <i>Brown v. Plata</i> )
J.		Security versus treatment issues
	01.	Impact on delivery of mental health services
	02.	Medical autonomy
	03.	Deliberate indifference ( <i>Estelle v. Gamble, Farmer v. Brennan</i> )
K.		Probation/parole
	01.	Definitions
	02.	Role of mental health system in probation/parole
	a.	Dangerousness assessments
	b.	Treatment recommendations
	c.	Treatment/monitoring
	d.	Coordination with probation/parole officers
L.		Sex offenders
	01.	Treatment programs
	a.	Elements of treatment
	b.	Problems in treatment
	c.	Assessment issues re recidivism
	d.	Treatment setting (e.g., outpatient, residential, institutional)
	e.	Penile plethysmography
	02.	Protective custody issues—inmate cultural issues re sex offenders
	03.	Due process
	a.	Indefinite commitment ( <i>Specht v. Patterson</i> )
	b.	Civil versus criminal proceeding ( <i>Allen v. Illinois</i> )
	c.	Definition of mental abnormality ( <i>Kansas v. Hendricks</i> )
	d.	Volitional control ( <i>Kansas v. Crane</i> )
	e.	Adequacy of treatment
	f.	Federal sex offender commitment ( <i>US v. Comstock</i> )
	04.	Sex offender recidivism
	05.	Paraphilic disorders
	06.	Juvenile sex offenders
M.		Class actions/consent decrees
<b>06.</b>		<b>Legal systems/basic law</b>
A.		Sources of law
	01.	Constitution
	02.	Statutes



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03.	Regulations/administrative law
04.	Case law
B.	Court system
C.	Adjudicative process
01.	Civil procedure
02.	Criminal procedure
03.	Evidence (including subpoenas)
a.	General acceptance ( <i>Frye v. US</i> )
b.	Standards for expert testimony ( <i>Daubert v. Merrell Dow</i> )
c.	Judicial discretion
d.	Judge as gatekeeper ( <i>Kumho Tire v. Carmichael</i> )
04.	Burden/standard of proof
<b>07.</b>	<b>Children/families</b>
A.	Civil
01.	Abuse/neglect/foster care
02.	Child abuse reporting statutes
a.	Battered child syndrome ( <i>Landeros v. Flood</i> )
b.	State has no constitutional duty to protect ( <i>DeShaney v. Winnebago</i> )
03.	Divorce/custody/visitation ( <i>Painter v. Bannister</i> )
04.	Guardian ad litem
05.	Termination of parental rights ( <i>Santosky v. Kramer</i> )/fitness to parent
06.	Competency—emancipation, mature minor
07.	Commitment ( <i>Parham v. JR and JL</i> )
08.	Informed consent/assent
09.	Adoption
10.	Evaluation of child sexual abuse
11.	Children as witnesses/evaluation of psychic harm/PTSD claims in children ( <i>People v. Stritzinger</i> )
12.	Malpractice/ethics/confidentiality
B.	Criminal
01.	Juvenile court ( <i>In re Gault</i> )
02.	Children in Need of Services (CHINS)/ Persons in Need of Supervision (PINS)
03.	Waiver
04.	Competence to be a witness
05.	Delinquency



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06.	Sentencing
a.	<i>Graham v. Florida</i>
b.	<i>Miller v. Alabama</i>
C.	Forensic evaluation of children, adolescents, and their families
D.	Individuals with Disabilities Education Act (IDEA)/ADA ( <i>Irving Independent School District v. Tatro, Board of Education v. Rowley</i> )
<b>08.</b>	<b>Special issues in forensic psychiatry</b>
A.	Hypnosis
01.	Use of hypnosis in a forensic context
a.	Orne criteria ( <i>State v. Hurd</i> )
b.	Per se exclusion of testimony not allowed ( <i>Rock v. Arkansas</i> )
B.	Polygraphy
C.	Syndromes (battered woman, rape trauma) ( <i>Ibn-Tamas v. US</i> )
D.	Malingering, factitious disorder imposed on self, factitious disorder imposed on another
E.	Neuropsychological assessments of malingering
F.	Psychological/neuropsychological testing
01.	Uses in forensic evaluations
02.	Uses in malingering (SIRS, TOMM, MMPI-2)
G.	Psychopathy/antisocial personality disorder
H.	Neuroimaging
I.	Prosecution for drug and alcohol use ( <i>Robinson v. California, Powell v. Texas</i> )
J.	Psychological autopsies
01.	Suicide by cop
02.	Cause of death—accident, homicide, or suicide
K.	Ethics
01.	AAPL ethical guidelines
02.	AMA Council on Ethical and Judicial Affairs (CEJA)



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	03.	APA guidelines
L.		Practice
	01.	Videotape/audiotape
	02.	Confidentiality
	03.	Dual agency
M.		Expert witness
	01.	Conflicts that might influence opinion
	02.	Federal Rules of Civil Procedure 26 (Rule 26)
	03.	Federal Rule of Evidence (FRE) 702
N.		Risk assessment
	01.	Suicide
	02.	Violence to others
	a.	Sex offenders
	b.	Stalking
	c.	Fire setting
	d.	Other (e.g., fitness for duty)
	03.	Standardized assessment instruments