Outline

Overview/Confidentiality of Mental Health Records

When and to Whom Records Can Be Released

Mandatory Disclosure Requirements Alcohol/Drug and AIDS/HIV Treatment Records

Necessary Documentation

HIPAA 101 - Federal Confidentiality Regulations

What Is HIPAA Today? How Do I Comply with the Regulations? What Are "Psychotherapy Notes"? When May I Release Records? How Much Paperwork Will This Be for My Office?

Responding to Subpoenas, Court Orders and Law Enforcement

Subpoenas; Types of Subpoenas; Duty to Respond; Time Limits

Search Warrants & Court Orders Authority to Obtain Information

Development of Policies and Procedures to Respond

Balancing the Rights of Minors & Parents

Minors' Rights

Investigations

Age of Majority

Access to Records

Rights of Minors to Refuse/Consent to Medication and Treatment

Alcohol, Drug Abuse and Treatment Issues for Minors

Parental Rights
Custodial and Divorce Factors

Child Abuse Allegations
Custodial vs. Non-Custodial Parent's Rights
to Records

Voluntary and Involuntary Mental Health Commitments

Reasons to Use a Voluntary Commitment or an Involuntary Commitment

Grounds for an Involuntary Commitment: Dangerousness (as Defined by Statute)

Mental Illness

Procedures

Professional Ethics and Boundary Issues

Consent Elements and Competency Issues

Medication: Right to Refuse Restraints and Seclusion Individual's Legal Rights

Informed Consent
Boundary Issues: Where the Lines Are

Prescribing Practices

Blurred

Board of Health Professionals Investigation - Disciplinary Proceedings

Legal Liabilities of the Professional

Duty to Warn Issues
Professional Obligations and Standards
Fraud & Abuse Issues
Billing & Coding Errors
Documentation

Compliance with Contradictory Laws

Objectives



- 1 Explain how to comply with HIPAA regulations.
- 2 Describe the process for responding to subpoenas and court orders.
- 3 Identify the rights of minors and parents in mental health treatment and legal determinations.
- 4 Describe the role of the mental health professional in the commitment process.
- 5 Develop policies on ethical issues such as restraints, seclusion and informed consent.
- 6 Identify the treatment provider's responsibilities relating to mental health issues and the legal duty to warn.

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- Do's and Don't's of Documentation
- Why and When to call an AttorneyAvoiding the Litigation Hot seat

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Speaker

LOIS FENNER, R.N., M.S., Attorney at Law, is an honors graduate of the University of Maryland School of Nursing Graduate School and the University of Maryland School of Law. She is an attorney and Registered Nurse, Certified Clinical Specialist. Ms. Fenner is a member of the Maryland Trial Lawyers Association, The American Nurse Attorneys Association, Women's Bar Association, past president of the Monumental City Bar Association, Phi Kappa Phi and Sigma Theta Tau Honor Societies and the National Exchange Club. She has been recognized by the Alliance of Black Women Attorneys with the 1997 Distinguished Women in Law Award, the Baltimore Marketing Association Harold Young Leadership Award in 2000, and the Baltimore County Diversity Award in 2001. Additionally, she is a three-time recipient of the Daily Record's Top 100 Women in Maryland Award, and has been recognized as a Baltimore Business Journal's Who's Who in Law in 2003.

She was selected as one of the Super Lawyers in 2009 and 2010. Her practice focuses on medical litigation and health care to include medical malpractice, personal injury, accreditation, workers compensation, wrongful death and licensure issues.

Speaker Disclosures:

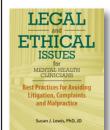
Financial: Lois A. Fenner is in private practice. She receives a speaking honorarium from PESI, Inc. Non-Financial: Lois A. Fenner has no relevant non-financial relationships to disclose.



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