

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
Investigations
Development of Policies and Procedures to Respond

Balancing the Rights of Minors & Parents

Minors' Rights
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 Blurred
Prescribing Practices
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

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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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- Court Orders: Must you Appear?
- When Not to Release Your Documentation
- Prevent Liability and Avoid Paying Damages
- Protect your Client, License & Practice
- Do's and Don't's of Documentation
- Why and When to call an Attorney
- Avoiding the Litigation Hot seat

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