

## Privacy, Confidentiality and Disclosure of Mental Health Information in Pennsylvania

Dealing with the day-to-day challenges of treating clients can be overwhelming in and of itself and the administrative and legal responsibilities are equally challenging. In the era of social media, health care reform and universal adoption of electronic medical records, protecting the privacy, confidentiality, as well as legally appropriate disclosure of a client's information has become even more challenging and confusing. The legal and prudent response to a wide variety of situations demands that mental/behavioral health agencies and licensed professionals and practitioners revisit and review current laws and regulations.

You will leave this seminar with an understanding of the current laws and regulations regarding privacy, confidentiality, and disclosure of mental health information in Pennsylvania in the context of accelerating health care reform initiatives including electronic medical records and social media devices. You will find this seminar critical to help understand and develop appropriate responses to the changing environment of mental health care.

### Speaker

**Susan B. Orr**, is a partner in the law firm of Dilworth Paxson, LLP and is located in Exton, PA. She represents and advises health care providers on a variety of regulatory and transactional areas including Part B reimbursement, medical records, privacy and confidentiality issues (HIPAA), fraud and abuse, health care compliance and provider and facility licensing.

Having served as practice administrator for her husband's medical practice for 12 years, Ms. Orr is uniquely qualified to assist clients on practice management issues including reimbursement and payment issues, Medicare and Medicaid compliance, managed care, employment issues, professional practice formation, health care affiliations including physician integration networks, accountable care organizations, joint ventures and contractual arrangements.

Ms. Orr received her J.D. degree from Widener University School of Law where she served as research assistant to Barry Furrow, director of the Health Law Institute. While at Widener, Ms. Orr was the recipient of the Reed Hamilton Memorial Award for excellence in health law. She is admitted to practice in New Jersey and in Pennsylvania and is a member of the Pennsylvania Bar Association and the American Health Lawyers Association.

Ms. Orr is a regular speaker the topic of Privacy and Confidentiality and Disclosure of Mental Health Information in both New Jersey and Pennsylvania, speaks on various issues with the New Jersey and Pennsylvania Academy of Family Physicians and is a regular contributor to both Keystone Physicians and Perspectives.

#### Speaker Disclosures:

Financial: Susan Orr is Partner for Rhoads & Simon, LLP. She receives a speaking honorarium from PESI, Inc.  
Non-financial: Susan Orr has no relevant non-financial relationship to disclose.

**Target Audience:** Social Workers • Counselors • Psychologists • Marriage & Family Therapists  
AODA Professionals • Health Information Managers • Medical Records Professionals • Nurses

#### Seminar on CD or DVD Package:

You can purchase a self-study package on the subject. You will receive a set of CDs or DVDs that include a digital copy of the seminar manual and post-test/evaluation. You and your colleagues can receive CE hours for a nominal fee. To determine if homestudy credits are available for your profession go to [www.pesi.com](http://www.pesi.com) or call 800-844-8260. Check with your licensing board to verify acceptance of self-study credits for license renewal. Order today by using the order form on this brochure or by calling 800-844-8260.

**Have a seminar idea? A manuscript to publish?** The nation's top speakers and authors contact PESI first. If you are interested in becoming a speaker or have a new topic idea, please contact **Teresa Fisher** at [tfisher@pesi.com](mailto:tfisher@pesi.com) or call 715-855-8214.

#### Seminar Schedule:

- 7:30** Registration/Morning Coffee & Tea
- 8:00** Program begins
- 11:50-1:00** Lunch (*on your own*)
- 4:00** Program ends

For locations and maps, go to [www.pesi.com](http://www.pesi.com), find your event, and click on the seminar title.



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## Privacy, Confidentiality and Disclosure of Mental Health Information in Pennsylvania

*Legal and Ethical Considerations in the Era of EHR and Social Media*

6 CE HOURS OF ETHICS

**ALLENTOWN, PA**  
Monday, May 14, 2018

**HARRISBURG, PA**  
Tuesday, May 15, 2018

**KING OF PRUSSIA, PA**  
Thursday, May 17, 2018

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## Privacy, Confidentiality and Disclosure of Mental Health Information in Pennsylvania

*Legal and Ethical Considerations in the Era of EHR and Social Media*

- Up-to-date legal & ethical laws for Pennsylvania
- How to avoid litigation
- Social media and your practice

6 CE HOURS OF ETHICS

**ALLENTOWN, PA**  
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# Outline

## Privacy, Confidentiality and Disclosure of Mental Health Information in Pennsylvania

- Constitutional right to privacy and mental health information
- HIPAA as amended by the HITECH act and as a base line National Privacy, Confidentiality and Disclosure Code
- Inpatient and outpatient mental health services and the Mental Health Procedures Act— what survives HIPAA; Duty to Warn
- Informed Consent and the duty to explain the limits of confidentiality under state board regulations, including psychologists and recently enacted regulations for SW, MFT, and LPCs
- Balancing the rights of children, adolescents and parents; the Minor's Consent Act as amended by Act 147; rights of adolescents to control the release of the record

## Special Issues

- Shared legal custody and control of mental health information after Act 147 and the newly enacted Child Custody Law (Act 112 of 2010)
- Social media and devices: Legal and ethical considerations for agencies and private practitioners- policy considerations

## Responding to Subpoenas, Court Orders, Electronic Discovery Demands, and Audits

- Professional licensure and privileged communications: Your legal and ethical duties as a private practitioner
- Subpoenas and court orders: Duty to respond
- Electronic discovery and implications for disclosure of mental health information and social media
- Responding to investigations and audits

## HITECH Act and Breach Notification Rules

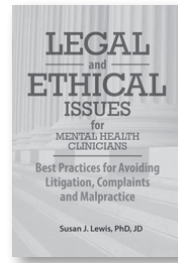
- HITECH Act and "meaningful use": Financial incentives to adopt electronic health records
- Standards and enforcement penalties under the HITECH Act
- Who is covered and what is a "breach"?
- Who must be notified and how to notify?

## Health Care Reform and Privacy, Confidentiality and Disclosure of Mental Health Information: Legal and Ethical Considerations

- Accountable care organizations and client-centered homes/medical homes
- Telehealth

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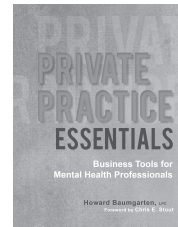


## Legal and Ethical Issues for Mental Health Clinicians

Best Practices for Avoiding Litigation, Complaints and Malpractice

By Susan J. Lewis, Ph.D., J.D.

This go-to resource goes beyond the what and why, focusing on how to protect you and your clients in an increasingly litigious society. Presented in easy-to-understand language to step you through the legalese, highlighted by 30 engaging case examples to illustrate how you can overcome legal and ethical challenges that arise in your practice. Topics include risk management, contracts, HIPA, privileged communication, licensing complaints, supervision pitfalls, rights of minors and technology.



## Private Practice Essentials:

Business Tools for Mental Health Professionals

By Howard Baumgarten, MA, LPC

Private Practice Essentials is an innovative, practical guide and workbook for creating business and clinical success in your counseling and therapy practice. You'll be guided through numerous exercises that provide a solid and personalized plan with realistic and attainable goals. It's like having a professional business consultant right at your fingertips, including 75+ reproducible worksheets, forms and exercises.



PESI Inc. is proud to offer this seminar (at these locations only) free of charge (on live seminar tuition) for veterans and active duty military personnel. **Advance registration by phone required.**

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Credits listed below are for full attendance at the live event only. Certificates of Completion are distributed at the conclusion of the live seminar for those who register prior to the event date and attend the full day. A letter of attendance will be issued to participants who register at the event, arrive late, or leave early. For those who registered day of (walk-ins), and are in full attendance, a certificate of completion for full CE credit will be sent within 30 days following the event. For those in partial attendance (arrived late or left early), an adjusted certificate of completion reflecting partial credit will be issued within 30 days (if your board allows). Please see "live seminar schedule" for full attendance start and end times. NOTE: Boards do not allow credit for breaks or lunch.

If your profession is not listed, please contact your licensing board to determine your continuing education requirements and check for reciprocal approval. For other credit inquiries not specified below, or questions on home study credit availability, please contact [cepesi@pesi.com](mailto:cepesi@pesi.com) or 800-844-8260 before the event.

Materials that are included in this course may include interventions and modalities that are beyond the authorized practice of mental health professionals. As a licensed professional, you are responsible for reviewing the scope of practice, including activities that are defined in law as beyond the boundaries of practice in accordance with and in compliance with your professions standards.

PESI, Inc. offers continuing education programs and products under the brand names PESI, PESI Healthcare, PESI Rehab and Psychotherapy Networker.

**ETHICS:** This seminar qualifies for 6.25 hours of state specific ethics instruction. If ethics is not specified within your licensing board's approval statement below, please contact your board to determine the applicability and amount of ethics allowed.

**ADDICTION COUNSELORS:** This course has been approved by PESI, Inc., as a NAADAC Approved Education Provider, for 6.0 CE in the legal, ethical and professional development skill group. NAADAC Provider #77553. PESI, Inc. is responsible for all aspects of their programming. Full attendance is required; no partial credit will be awarded for partial attendance.

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**MARRIAGE & FAMILY THERAPISTS:** This activity consists of 380 minutes of continuing education instruction. Credit requirements and approvals vary per state board regulations. You should save this course outline, the certificate of completion you receive from the activity and contact your state board or organization to determine specific filing requirements.

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**PSYCHOLOGISTS:** PESI, Inc. is approved by the American Psychological Association to sponsor continuing education for psychologists. PESI maintains responsibility for this program and its content. PESI is offering this activity for 6.25 hours of continuing education credit. Full attendance is required; no partial credits will be offered for partial attendance.

**SOCIAL WORKERS:** PESI, Inc. Provider #:1062, is approved as a provider for social work continuing education by the Association of Social Work Boards (ASWB), [www.aswb.org](http://www.aswb.org) through the Approved Continuing Education (ACE) Program. PESI, Inc. maintains responsibility for the program. ASWB Approval Period: January 27, 2017 - January 27, 2020. Social workers should contact their regulatory board to determine course approval for continuing education credits. Social workers participating in this course will receive 6.25 (Ethics) continuing education clock hours for this intermediate course. A certificate of attendance will be awarded at the end of the program to social workers who complete the program evaluation.

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QUESTIONS? Call 800-844-8260 or e-mail us at [info@pesi.com](mailto:info@pesi.com).

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PRIVACY, CONFIDENTIALITY AND DISCLOSURE OF MENTAL HEALTH INFORMATION IN PENNSYLVANIA

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### ADA needs:

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Walk-ins are welcome but admission cannot be guaranteed. Call M-F 7:00-6:00 Central Time for space availability if registering within one week of seminar.

### Tuition Options:

**FREE MILITARY TUITION:** PESI Inc. is proud to offer this seminar (at these locations only) free of charge (on live seminar tuition) for veterans and active duty military personnel. **Advance registration by phone required.**

\$30 Tuition: If you are interested in being our registration coordinator for the day, go to: [www.pesi.com/coord](http://www.pesi.com/coord) for availability and job description, or call our Customer Service Dept. at 800-844-8260.

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**Advance registration required.**

Cannot be combined with other discounts.

PLEASE RETURN ENTIRE REGISTRATION FORM

## 1 Please complete entire form (to notify you of seminar changes):

*please print; staple duplicate forms.*

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## 3 Check tuition:

**TUITION WITH SEMINAR MANUAL**

**\$199.99** – choose one of the options below:

- per person for 2 or more preregistering together —OR—
- single registration postmarked 3 weeks prior to seminar date
- \$229.99** standard

### ADD-ON PRODUCTS

Distributed at seminar—FREE SHIPPING!

- \$19.99\*** *Legal and Ethical Issues for Mental Health Clinicians* book
- \$34.99\*** *Private Practice Essentials* book

\*Attendees add applicable state and local taxes except in AK, DE, MT, NH, OR.

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# Objectives

1. Discuss Federal (HIPAA) and state legal requirements for privacy, confidentiality and disclosure of mental and behavioral health information.
2. Summarize Pennsylvania laws and regulations regarding the rights of children/adolescents or parents to control the disclosure of mental and behavioral health information under Minor's Consent Act, Act 147 and newly enacted Child Custody Act.
3. Review private practitioners' duties related to privileged communications and guidelines for responding to subpoenas, court orders, and the electronic discovery demands.
4. Discuss the legal and ethical confidentiality considerations regarding the use of electronic social media devices and electronic health records by agencies and private practitioners.
5. Outline the requirements of the HITECH Act regarding a provider's duty to notify patients/clients of a data breach.
6. Discuss HITECH Act regarding meaningful use and financial incentives to adopt EHRs.
7. Discuss the potential impact of the accountable care organizations, patient-centered homes and the role of mental and behavioral health providers.

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