

# 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

## Balance 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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Court Orders: Must You Appear?

When Not to Release Your Documentation

Prevent Liability and Avoid Paying Damages

Protect Your Credentials/ License

Do's And Don'ts of Documentation

Why and When to Call an Attorney

Avoid the Litigation Hot Seat

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Legal Issues in Behavioral Health in Maryland:
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Without the proper legal awareness needed to stay in compliance, you may face grave legal and financial consequences. This seminar will show you how to continue to help the people you’ve been trained to help while still protecting yourself from many legal pitfalls. If you attend only one seminar this year, make it this one.

Join attorney Lois Fenner for an entertaining and enlightening day and leave with a greater understanding of the latest Maryland laws as they relate to behavioral health. You will take home practical strategies to minimize and manage legal and ethical risks and you will learn how to immediately implement these risk reducing strategies into your practice.

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.

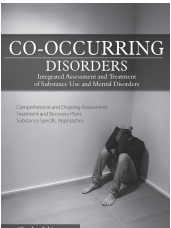
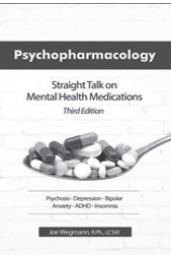
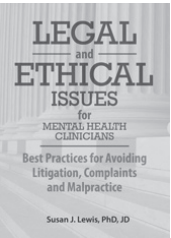
She was selected as one of the Super Lawyers in 2009 and 2010. Her practice focuses on medical litigation and health care to include medical malpractice, personal injury, accreditation, workers compensation, wrongful death and licensure issues.

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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