

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

Objectives

- 1. Establish practices for ensuring HIPAA compliance to protect client’s privacy and minimize risk of litigation.
- 2. Compare the different requirements for release of protected health information via subpoenas and court orders.
- 3. Explore the legal and ethical considerations for the treatment of minor populations in Michigan with regard to age of consent, confidentiality and custody concerns.
- 4. Differentiate between the processes for voluntary and involuntary commitment for treatment and determine the clinician’s role in each.
- 5. Develop policies on ethical issues such as restraints, seclusion and informed consent.
- 6. Designate the treatment provider’s responsibilities relating to mental health issues and duty to warn law in Michigan.

Target Audience:

Social Workers • Counselors • Psychologists
Marriage and Family Therapists
AODA Alcohol and Other Drug Abuse Counselors
Health Information Managers
Medical Records Professionals • Nurses



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Featuring
Lois Fenner, R.N., M.S., Attorney at Law

- 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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Legal & Ethical Issues in Behavioral Health in Michigan

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 Michigan 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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7:30 Registration/Morning Coffee & Tea

8:00 Program begins

11:50-1:00 Lunch (*on your own*)

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There will be two 15-min breaks (mid-morning & mid-afternoon).
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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 profession's 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.

ADDITION 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.

MICHIGAN ADDICTION COUNSELORS: This course has been submitted to the Michigan Certification Board for Addiction Professionals (MCBAP). Credit is pending.

COUNSELORS: This intermediate activity consists of 6.25 clock hours of continuing education instruction. Credit requirements and approvals vary per state board regulations. Please save the 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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SOCIAL WORKERS ETHICS: PESI, Inc., #1062, is approved to offer social work continuing education by the Association of Social Work Boards (ASWB) Approved Continuing Education (ACE) program. Organizations, not individual courses, are approved as ACE providers. State and provincial regulatory boards have the final authority to determine whether an individual course may be accepted for continuing education credit. PESI, Inc. maintains responsibility for the course. ACE provider approval period: January 27, 2017 - January 27, 2020. Social Workers completing this course receive 6.25 Ethics continuing education credits for completing this course. Course Level: Intermediate. A certificate of attendance will be awarded at the end of the program to social workers who complete the program evaluation. Full attendance is required; no partial credits will be offered for partial attendance.

OTHER PROFESSIONS: This activity qualifies for 380 minutes of instructional content as required by many national, state and local licensing boards and professional organizations. Save your course outline and certificate of completion, and contact your own board or organization for specific requirements.



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