

# Legal and Ethical Issues in Behavioral Health in Wisconsin

A better understanding of your ethical and legal obligations can not only help you provide more effective treatment to your clients, but can help you avoid costly mistakes. This seminar will provide you with the necessary tools to avoid a wide range of ethical and legal pitfalls.

Join attorney and emergency department physician Daniel L. Icenogle for an entertaining and enlightening day and leave with a greater understanding of the latest Wisconsin law as it relates to mental 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.

**If you attend only one seminar this year, make it this one.**

## Objectives

1. Evaluate your current record-keeping practices in order to ensure compliance with ethical and legal requirements in the state of Wisconsin.
2. Determine which notes, documents, reports, forms, and clinical data constitute an official medical record in the state of Wisconsin
3. Compare the different requirements for release of protected health information via subpoenas and court orders.
4. Differentiate between the processes for voluntary and involuntary commitment for treatment and determine the clinician's role in each.
5. Explore the legal and ethical considerations for the treatment of minor populations in Wisconsin with regard to age of consent, confidentiality and custody concerns.
6. Communicate how an understanding of common boundary and dual relationship issues/dilemmas can help you maintain appropriate relationships with your clients.

## Speaker

**DANIEL L. ICENOGLE, JD, M.D.** is a health law attorney and an emergency department physician, practicing law in the firm of Icenogle & Associates, LLC, Readstown, Wisconsin, which provides a variety of health law services for physicians, hospitals and other medical providers. He is a 1981 graduate of Loyola Stritch School of Medicine and a 1992 *cum laude* graduate of the University of Wisconsin Law School. He was formerly chair of the board of directors for the Wisconsin State Bar Health Law Section, and is a member of the American Health Lawyers Association. He is also a member of the Wisconsin Medical Society and its council on Health Care Access and Financing.

Disclosures:  
 Financial: Daniel Icenogle receives compensation as an Emergency Department Medical Director for Vernon Memorial Hospital and as a Senior Attorney for Icenogle and Associates, LLC. He receives a speaking honorarium from PESI, Inc.  
 Non-financial: Daniel Icenogle has no relevant non-financial relationship to disclose.

### This program has been developed for:

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

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# Legal and Ethical Issues in Behavioral Health in Wisconsin

**6 CE Hours of Ethics!**

<b>LA CROSSE, WI</b> October 16, 2019	<b>EAU CLAIRE, WI</b> October 17, 2019
<b>APPLETON, WI</b> October 23, 2019	<b>BROOKFIELD, WI</b> October 24, 2019
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# Legal and Ethical Issues in Behavioral Health in Wisconsin

- Duty to warn in Wisconsin
- Professional ethics and boundary issues
- Protecting your credentials/license
- Protecting and properly disclosing health information
- Understanding the licensing board complaint process

**6 CE Hours of Ethics!**

<b>LA CROSSE, WI</b> Wednesday, October 16, 2019
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# Outline

## Confidentiality of Mental Health Records

Interaction of State Mental Health and Federal AODA Privacy Laws

Patient Access

Release With Authorization

When and to Whom Records Can Be Released

Psychotherapy Notes

What Are They?

Who Controls Them?

Disclosure Without Authorization

Permitted Disclosures for Treatment

Permitted Disclosures for Other

Reasons

Mandatory Disclosures

HIV Records

## Subpoenas, Court Orders, Testimony, and Law Enforcement

Subpoenas

Different Types of Subpoenas

What Do You Have to do?

Limitations on Subpoenas

Court Orders

Court Orders for Records

Court Ordered Examinations

Search Warrants

Providing Testimony

Therapist Privilege

Depositions

Trial Testimony

Law Enforcement

Authority to Obtain Information

Investigations

Areas of Uncertainty

Disclosure of Impending Discharge

Disclosure of Treatment of Certain

Injuries

## Voluntary and Involuntary Mental Health Commitments

Grounds for an Involuntary Commitment

Threat to Others

Threat to Self

Procedures

## Balancing the Rights of Minors

Mental Health Records and the Rights of Minors

Rights of Minors to Refuse/Consent to Treatment

Access to Records

Rights of Minors to Control Access to Their Records

Alcohol, Drug Abuse and Treatment Issues for Minors

Parental Rights

Divorce Issues

Custodial vs. Non-Custodial Parents

Foster Parents

Adoptive Parents

Educational Health Records and FERPA

Emancipation

Minors and Medical Treatment

## Professional Boundary Issues

Boundary Issues: Therapeutic

The Dual Relationship

Special Issues for Rural Providers

Social Media

Boundary Issues: Civil Liability

Boundary Issues: Regulatory Issues

Process and Procedure

Telehealth and Teletherapy

## Questions?

Call customer service at 800-844-8260

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**Seminar on DVD or CD Package:** You can purchase a self-study package on the subject. You will receive a set of DVDs or CDs 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.

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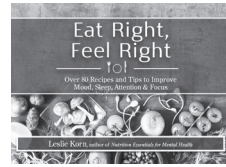


### Legal and Ethical Issues for Mental Health Clinicians:

*Best Practices for Avoiding Litigation, Complaints and Malpractice*

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

Guidance, strategies, solutions and up-to-date information to help keep you out of court and jail. 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, including risk management, contracts, HIPPA privileged communication, licensing complaints, supervision pitfalls, rights of minors and technology.



### Eat Right, Feel Right:

*Over 80 Recipes and Tips to Improve Mood, Sleep, Attention & Focus*

By Leslie Korn, PhD, MPH, LMHC

Improve mood, sleep and focus with these nutrient-rich recipes and handy tips. Eat Right, Feel Right teaches you the do's and don'ts of using ingredients in entrees, snacks, soups, smoothies and dressings to make you an at-home mental health chef.

### Live Seminar Schedule

**7:30** Registration/Morning Coffee & Tea

**8:00** Program begins

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

**4:00** Program ends

There will be two 15-min breaks (mid-morning & mid-afternoon). Actual lunch and break start times are at the discretion of the speaker. A more detailed schedule is available upon request.

### 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 Josh Lindblad at [jlindblad@pesi.com](mailto:jlindblad@pesi.com) or call 715-855-5234.

## Live Seminar Continuing Education Credit Information

**Credits listed below are for full attendance at the live event only.** After attendance has been verified, pre-registered attendees will receive an email from PESI Customer Service with the subject line, "Evaluation and Certificate" within one week. This email will contain a link to complete the seminar evaluation and allow attendees to print, email or download a certificate of completion if in full attendance. For those in partial attendance (arrived late or left early), a letter of attendance is available through that link and an adjusted certificate of completion reflecting partial credit will be issued within 30 days (if your board allows). Please see "LIVE SEMINAR SCHEDULE" on this brochure 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 profession's standards.

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

**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.

**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.

**WISCONSIN COUNSELORS:** This intermediate activity consists of 6.25 clock hours of continuing education instruction. Credit requirements and approvals vary per state board regulations. Please contact your licensing board to determine if they accept programs or providers approved by other national or state licensing boards. A certificate of attendance will be awarded at the end of the program to participants who are in full attendance and who complete the program evaluation.

**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.

**WISCONSIN MARRIAGE & FAMILY THERAPISTS:** This course has been submitted to the Wisconsin Association for Marriage and Family Therapy for review. Credit is pending.

**NURSES, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS:** PESI, Inc. is accredited as a provider of continuing nursing education by the American Nurses Credentialing Center's Commission on Accreditation. Nurses in full attendance will earn 6.3 contact hours. Partial contact hours will be awarded for partial attendance.

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**PSYCHOLOGISTS/SCHOOL PSYCHOLOGISTS:** PESI, Inc. is approved by the National Association of School Psychologists to offer professional development for school psychologists. PESI maintains responsibility for the program. Provider #1140. 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., #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 this course. ACE provider approval period: January 27, 2017 - January 27, 2020. Social Workers completing this course receive 6.25 Ethics continuing education credits. Course Level: Intermediate. Full attendance is required; no partial credits will be offered for partial attendance. 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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LEGAL AND ETHICAL ISSUES IN BEHAVIORAL HEALTH IN WISCONSIN

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**2 Check location:** (*make copy of locations*)

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### ADA NEEDS

We would be happy to accommodate your ADA needs; please call at least two weeks prior to the seminar date.

### WALK-INS:

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

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• **\$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.

• **Groups of 5 or more:** Call 800-844-8260 for discounts.

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