

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 New Jersey 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 New Jersey.

Target Audience:

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

Hassle-Free Cancellation Policy: If you contact us before the seminar date, you can exchange for a DVD or CD/digital manual package on the subject, a certificate to attend another seminar, or receive a tuition refund less a \$30 cancel fee. Substitutions are permitted at any time.



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.*



FREE Worksheets



Free Gratitude, Mindfulness & Optimism Worksheets

pesi.com/worksheetshappiness

Bring any Training On-Site!

- Cost Effective for Groups
- Customizable
- Flexible

CE credits included!

www.pesi.com/inhouse

NON-PROFIT ORGANIZATION
US POSTAGE PAID
EAU CLAIRE, WI
PERMIT NO 32729

PESI, Inc.
P.O. Box 1000
Eau Claire, WI 54702
A Division of PESI, Inc.

6.25 Ethics CE Hours!

Legal & Ethical Issues in Behavioral Health in New Jersey

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



www.pesi.com

REGISTER NOW:
pesi.com/express/74612

HAMILTON TOWNSHIP, NJ
Wednesday, November 20, 2019

CHERRY HILL, NJ
Thursday, November 21, 2019

ATLANTIC CITY, NJ
Friday, November 22, 2019

6.25 Ethics CE Hours!

Legal & Ethical Issues in Behavioral Health in New Jersey

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

HAMILTON TOWNSHIP, NJ
Wednesday, November 20, 2019

CHERRY HILL, NJ
Thursday, November 21, 2019

ATLANTIC CITY, NJ
Friday, November 22, 2019



www.pesi.com

A Non-Profit Organization Connecting
Knowledge with Need Since 1979

REGISTER NOW: pesi.com/express/74612

Legal & Ethical Issues in Behavioral Health in New Jersey

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 New Jersey 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.

Questions? Call customer service at **800-844-8260**

Speaker
LOIS FENNER, R.N., M.S., Attorney at Law, is an honor graduate of the University of Maryland Graduate School of Nursing, Undergraduate School of Nursing and University of Maryland Law School. She is an attorney admitted to practice before the United States Supreme Court, a Registered Nurse and a Certified Clinical Specialist. Ms. Fenner is a founding member of The American Nurse Attorneys Association, past president of the Monumental Bar Association, member of the Women's 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 Distinguished Women in Law Award; the Baltimore Marketing Association Harold Young Leadership Award, and the Baltimore County Diversity Award. Additionally, she is a three-time recipient of the *Daily Record's* Top 100 Women in Maryland award and was inducted into the Circle of Excellence. Attorney Fenner has been recognized as a *Baltimore Business Journals* Who's Who in Law and was selected as one of the Super Lawyers twice. Her practice focuses on medical litigation and health care including medical malpractice, personal injury, accreditation, wrongful death, Professional Board and licensure issues. She is a recognized educator and lecturer throughout the country providing realistic and current information in dynamic presentations.

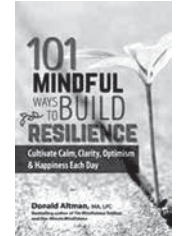

Speaker Disclosures:
Financial: Lois A. Fenner is in private practice. She receives a speaking honorarium from PESI, Inc.
Non-financial: Lois A. Fenner has no relevant non-financial relationships to disclose.

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 Anna Rustick at arustick@pesi.com or call (715) 855-8195.

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 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.



Legal and Ethical Issues for Mental Health Clinicians
Best Practices for Avoiding Litigation, Complaints and Malpractice
By Susan 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.

101 Mindful Ways to Build Resilience
Cultivate Calm, Clarity, Optimism & Happiness Each Day
By Donald Altman, MA, LPC
101 Mindful Ways to Build Resilience will give you newfound hope, optimism, and strength. These are simple, yet powerful mindfulness practices that you can apply in just a minute or two—whether you're facing something extremely annoying or seemingly insurmountable. Discover how you can cultivate calm, clarity, optimism and happiness each day and retrain your brain to overcome any problem.

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" 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 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 includes 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.

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.

New Jersey 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.

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.

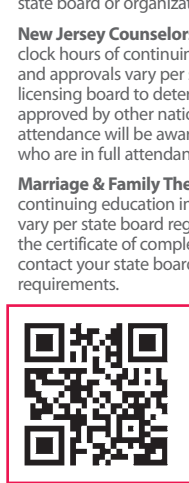
Psychologists: This activity consists of 6.0 clock hours of continuing education instruction. The following state psychologist boards recognize activities sponsored by PESI, Inc. as an approved ACCME provider: Alaska, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Pennsylvania, South Carolina and Wisconsin. Certificates of attendance will be issued for you to submit to your state licensing board to recognize for continuing education credit. Full attendance is required; no partial credits will be offered for partial attendance.

PESI, Inc. is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. PESI, Inc. designates this live activity for a maximum of 6.0 AMA PRA Category 1 Credit(s)™. Physicians should only claim credit commensurate with the extent of their participation in the activity.

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.

New Jersey Social Workers: Legal and Ethical Issues in Behavioral Health in New Jersey, Course #1716, is approved by the Association of Social Work Boards (ASWB) Approved Continuing Education (ACE) program to be offered by PESI, Inc. as an individual course. Individual courses, not providers, are approved at the course level. State and provincial regulatory boards have the final authority to determine whether an individual course may be accepted for continuing education credit. ACE course approval period: 02/06/2018 - 02/06/2020. Social workers completing this course receive 6.25 Ethics continuing education credits. 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.




SCAN HERE
FOR A SPECIAL OFFER ON
BOOKS & CARD DECKS

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

- 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 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.
- Discounted Student Rate:** As part of its mission to serve educational needs, PESI, Inc. offers a reduced rate of 50% off standard tuition for students. Enclose a current student schedule with registration form.
Go to www.pesi.com/students or call 800-844-8260 for details.
Advance registration required. Cannot be combined with other discounts.



FOR OFFICE USE ONLY
Fed ID # 26-3896894
© 2018 PESI, Inc.

QUESTIONS? Call **800-844-8260** or e-mail us at info@pesi.com.

How to Register:

LEGAL AND ETHICAL ISSUES IN BEHAVIORAL HEALTH IN NEW JERSEY

ONLINE
pesi.com/express/74612

PHONE
800-844-8260
Please have credit card available

FAX
800-554-9775

MAIL
PESI, Inc.
PO BOX 1000
Eau Claire, WI
54702-1000

1 Please complete entire form (to notify you of seminar changes):
please print; staple duplicate forms.

Mail Code: _____
See mail code box on address panel on reverse side

Name _____ Profession _____

Employer Name _____

Employer Address _____

Dept/Floor/Suite _____

City _____ County _____

State _____ Zip _____

Home/Cell Ph () _____

Dept. Ph () _____

*E-mail address _____

*Registrant's e-mail is required to receive your certificate of completion and registration confirmation.

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

☐ **HAMILTON TOWNSHIP, NJ**
November 20, 2019 74612HTP
Hilton Garden Inn Hamilton
800 US Highway 130 • 08691
(609) 585-6789

☐ **CHERRY HILL, NJ**
November 21, 2019 74612CHE
Holiday Inn Cherry Hill
2175 West Marlton Pike • 08002
(856) 663-5300

☐ **ATLANTIC CITY, NJ**
November 22, 2019 74612ATC
Sheraton Atlantic City Convention Center
2 Convention Center • 08401
(609) 344-3535

REGISTER NOW
pesi.com/express/74612

3 Check tuition:
TUITION WITH SEMINAR MANUAL
\$219.99 — choose one of the options below:

- ☐ per person for 2 or more preregistering together —OR—
- ☐ single registration postmarked 3 weeks prior to seminar date

☐ **\$249.99** standard

ADD-ON PRODUCTS
Distributed at seminar—FREE SHIPPING!

☐ **\$19.99* Legal and Ethical Issues for Mental Health Clinicians** book

☐ **\$16.99* 101 Mindful Ways to Build Resilience** book

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

4 Indicate method of payment:
ALL REGISTRATIONS MUST BE PREPAID.
Purchase orders welcome (attach copy).

☐ Check enclosed payable to **PESI, Inc**

☐ MC ☐ VISA ☐ AE ☐ Discover Novus
16 digits 13-16 digits 15 digits 16 digits

Card # _____

Card Exp. _____ V-Code #: _____

Signature _____

(*MC/VISA/Discover: last 3-digit # on signature panel on back of card.)
(*American Express: 4-digit # above account # on face of card.)

CAN'T ATTEND THE SEMINAR?
See below for individual product orders

Ethical Principles in the Practice of New Jersey Mental Health Professionals

____ Seminar on DVD* (video) \$219.99 (RNV060605)

____ Seminar on CD* (audio) \$219.99 (RNA060605)

____ **Legal and Ethical Issues for Mental Health Clinicians** book* \$19.99 (PUB084465)

____ **101 Mindful Ways to Build Resilience** book* \$16.99 (PUB084145)

Product total \$ _____

*Shipping _____

Subtotal _____

**Tax _____

TOTAL _____

*Shipping is \$6.95 first item + \$2.00 each add'l item.
**Residents add applicable state and local taxes except in AK, DE, MT, NH, OR.