

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

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 Kentucky with regard to age of consent, confidentiality and custody concerns.
4. Formulate risk management strategies using technology that can safeguard patient health information (PHI) and minimize HITECH violations.
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 Kentucky.

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

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

Live Webcast Schedule

(Times listed in Eastern)

8:00 Program begins

11:50-1:00 Lunch Break

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.
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- 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 Kentucky

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 Kentucky 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 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.

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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 professions standards.

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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.

Kentucky Counselors: For the most up-to-date credit information, please go to: www.pesi.com/events/detail/83779.

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.

Kentucky Marriage & Family Therapists: This course has been submitted to the Kentucky Board of Licensure of Marriage & Family Therapists for review.

Nurses, Nurse Practitioners, and Clinical Nurse Specialists: This 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 this activity and contact your state board or organization to determine specific filing requirements.

Kentucky Psychologists: CE credit is available. PESI, Inc. is approved by the Kentucky Board of Examiners of Psychology to offer continuing education for psychologists. PESI maintains responsibility for this program and its content. This activity will qualify for 6.25 contact hours.

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, 2020 - January 27, 2023. 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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REGISTRATION FORM LEGAL AND ETHICAL ISSUES IN BEHAVIORAL HEALTH IN KENTUCKY

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