

Resource Document on Psychotherapy Notes Provision of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule

This resource document was prepared by the Committee on Confidentiality with revisions by the Council on Psychiatry and the Law.

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Background

The *Final HIPAA Privacy Rule* defines psychotherapy notes as an official record, created for use by the mental-health professional for treatment, "recorded in any medium...documenting or analyzing the contents of conversation during a private counseling session or a group, joint or family counseling session that are separated from the rest of the individual's medical record..." 45 C.F.R. § 164.501 (65 Fed. Reg. at 82805) (emphasis added).

The Rule does not protect psychotherapy notes when defending a malpractice suit brought by a patient or for satisfying documentation requirements of a licensing authority because it allows disclosure without authorization for these purposes. Save for very few other exceptions (1), "psychotherapy notes" cannot be disclosed to anyone without the patient's specific authorization. Furthermore, such authorization cannot be compelled for payment, underwriting, or plan enrollment (emphasis added).

The Rule states that psychotherapy notes do not include:

"medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests and any summary of the following items:

diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date." 45 C.F.R. § 164.501 (65 Fed. Reg. at 82805)

This information would be included in the patient's general treatment record, and would be available for care, payment and healthcare operations, restricted by the "minimum necessary" provision for payment and healthcare operations (2).

Enforcement of the Final Rule will begin April 2003. The regulatory language (cited above) appears to provide strong protection for psychotherapy communications, and as HHS intended, to be consistent with the Supreme Court's reasoning in *Jaffee v. Redmond* (3). Unfortunately, some ambiguity regarding the scope of the intended protection arises due to some imprecise language appearing in the preamble to the Rule (not in the operative text of the Rule itself) in which psychotherapy notes are incorrectly likened to narrowly-defined "process notes."

[Note: "process notes" is an imprecise term for which there is no universally accepted meaning; however, "process notes" are not generally used to document treatment, or to be part of the official patient record (4)]. The APA is concerned that the strong protection for psychotherapy information intended by the Rule could be eroded by an unduly narrow interpretation based solely on the misleading use of the phrase "process notes" in the preamble.

Recommendation: Based on the profession's ethical standards, reason and experience, it is the view of the APA that the legally operative text of the Rule provides heightened privacy protection for psychotherapy notes that include some or all of the following information when documented by the treating psychiatrist, not disclosed to anyone other than the psychiatrist who created the note, and kept separately from the rest of the treatment record:

- Intimate personal content or facts
- Details of fantasies and dreams
- Process interactions
- Sensitive information about other individuals in the patient's life
- The therapist's formulations, hypotheses, or speculations
- Topics/themes discussed in therapy sessions

This kind of information is not typically needed by anyone other than the treating psychiatrist to care for the patient, and is not needed for payment or healthcare operations. Psychotherapy notes, so defined, would serve to document and analyze the therapy, and may not be used by or disclosed to persons other than the psychiatrist who created them (save for limited exceptions—see footnote 1), without the patient's written authorization to do so. The information contained in these notes would then be afforded the higher protection provided by the Rule.

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Facing the Challenge of Liability in Psychotherapy Lawrence E. Hedges, 2007 Dr Lawrence E Hedges updates his groundbreaking first edition with special articles on the pressing issues of working with minors and child custody evaluations and provides critical information regarding compliance with new HIPPA regulations In this book he urges clinicians to practice defensively and provides a course of action that equips them to do so After working with over a hundred psycho therapists and attorneys who have fought unwarranted legal and ethical complaints from clients he has made the fruits of his work available to all therapists This book is a wake up call a practical clinically sound response to a frightening reality and an absolute necessity for all therapists in practice today *The SAGE Encyclopedia of Marriage, Family, and Couples Counseling* Jon Carlson, Shannon B. Dermer, 2016-10-11 The SAGE Encyclopedia of Marriage Family and Couples Counseling is a new all encompassing landmark work for researchers seeking to broaden their knowledge of this vast and diffuse field Marriage and family counseling programs are established at institutions worldwide yet there is no current work focused specifically on family therapy While other works have discussed various methodologies cases niche aspects of the field and some broader views of counseling in general this authoritative Encyclopedia provides readers with a fully comprehensive and accessible reference to aid in understanding the full scope and diversity of theories approaches and techniques and how they address various life events within the unique dynamics of families couples and related interpersonal relationships Key topics include Assessment Communication Coping Diversity Interventions and Techniques Life Events Transitions Sexuality Work Life Issues and more Key features include More than 500 signed articles written by key figures in the field span four comprehensive volumes Front matter includes a Reader s Guide that groups related entries thematically Back matter includes a history of the development of the field a Resource Guide to key associations websites and journals a selected Bibliography of classic publications and a detailed Index All entries conclude with Further Readings and Cross References to related entries to aid the reader in their research journey **Decoding the Ethics Code** Celia B. Fisher, 2021-12-17 Revised to reflect the latest edition of the American Psychological Association s APA Ethical Principles of Psychologists and Code of Conduct Celia B Fisher s acclaimed Decoding the Ethics Code Fifth Edition explains and puts into practical perspective the format choice of wording aspirational principles and enforceability of the code Providing in depth discussions of the foundation and application of each ethical standard to the broad spectrum of scientific teaching and professional roles of psychologists this unique guide helps practitioners effectively use ethical principles and standards to morally conduct their work avoid ethical violations and most importantly preserve and protect the fundamental rights and welfare of those whom they serve This edition covers crucial and timely topics with new sections on the impact of the COVID 19 pandemic and strategies for applying the social justice and liberation psychology moral frameworks to ethical decision making addressing personal biases and the prejudices of those with whom psychologists work and healing and self care for Black Indigenous and

People of Color psychologists students and trainees **Clinical Mental Health Counseling** Lisa López Levers, Debra Hyatt-Burkhart, 2019-09-09 This introductory textbook written specifically for graduate students in clinical mental health counseling programs is distinguished by a unique integrated system of care approach reflecting current trends in mental health treatment Designed to address the 2016 CACREP standards the book delivers an in depth examination of the professional knowledge skills and current issues in professional counseling that are essential to clinical practice The textbook emphasizes the elements of practice while providing students with ample case studies that enable them to integrate theoretical concepts with real world examples By distilling a wealth of knowledge from experts in the field the textbook looks at the history and contemporary issues of mental health counseling through the lens of a bioecological approach Engaging chapters focus on issues critical to mental health counseling including strength based approaches varied clinical practice settings professional issues self care and more Additionally the text presents dilemmas and pitfalls intrinsic to mental health practice Learning objectives case illustrations and abundant resources in each chapter reinforce the practical real world information upon which students can build throughout their education A robust Instructor s Manual and key PowerPoint slides also are provided Purchase includes access to the e book for use on most mobile devices or computers Key Features Offers unique integrated system of care and community based approaches integral to current trends Provides emphases on strength based and ecological perspectives of CMHC practice Includes real life examples and insights that facilitate the integration of theory and practice Describes dilemmas and pitfalls intrinsic to a variety of mental health practice topics Includes tips from the field and real world case illustrations to enhance clinical application Includes learning objectives in each chapter Reflects 2016 and 2009 CACREP standards that are highlighted in each chapter *Clinician's Thesaurus, 7th Edition* Edward L. Zuckerman, 2012-03-12 This book has been replaced by Clinician s Thesaurus 8th Edition ISBN 978 1 4625 3880 5 **Clinician's Thesaurus** Edward L. Zuckerman, Bradley W. Estes, 2025-08-13 Hundreds of thousands of mental health professionals and students have relied on this authoritative reference now in an updated 9th edition including the latest terms and diagnostic codes In a convenient large size format the Thesaurus covers nearly all areas of concern addressed in intakes assessments treatment plans progress notes and closing summaries Users seeking the right wording for a clinical document can scan and select from thousands of technical terms behavioral descriptors and standard statements The book provides interview questions for almost every symptomatic behavior a huge collection of mental status questions and hundreds of internet resources Also featured is a list of all psychiatric ICD 10 CM diagnoses including Z codes and medical codes essential to a comprehensive biopsychosocial evaluation The companion website presents web links reproducible forms from the book and a detailed list of psychiatric medications New to This Edition Updated for DSM 5 TR and ICD 10 CM code changes for 2025 Updated and new listings of assessment and screening tools Revised descriptors and terms pertaining to internet use gender and sexuality relationships race and ethnicity and more Updated treatment planning

tips web links and psychiatric drug information **The Clinical Documentation Sourcebook** Donald E. Wiger, 2005-03-04 All the forms handouts and records mental health professionals need to meet documentation requirements The paperwork required when providing mental health services continues to mount Keeping records for managed care reimbursement accreditation agencies protection in the event of lawsuits and to help streamline patient care in solo and group practices inpatient facilities and hospitals has become increasingly important This updated and revised Third Edition provides you with a full range of forms checklists and clinical records essential for effectively and efficiently managing your practice From intake to diagnosis and treatment through discharge and outcome assessment The Clinical Documentation Sourcebook Third Edition offers sample forms for every stage of the treatment process Greatly expanded from the second edition the book now includes twenty six fully completed forms illustrating the proper way to fill them out as well as fifty two ready to copy blank forms The included CD ROM also provides these forms in Word format so you can easily customize them to suit your practice With The Clinical Documentation Sourcebook Third Edition you ll spend less time on paperwork and more time with clients Includes documentation for child family and couples counseling Updated for HIPAA compliance as well as to reflect the latest JCAHO and CARF regulations New focus on clinical outcomes supports the latest innovations in evidence based practice

The Paper Office, Fourth Edition Edward L. Zuckerman, 2012-03-12 Providing essential recordkeeping and risk reduction tools that every psychotherapy practice needs this highly practical resource is now in a fully updated fourth edition It is ideal for new practitioners who want to hit the ground running and for seasoned pros who want to streamline their paperwork and clinical efficiency Presented are methods for assuring informed consent and documenting treatment planning and progress advice on structuring fees billing coping with managed care and marketing forms and guidelines to facilitate HIPAA compliance links to useful websites and much more More than 60 reproducible forms and handouts in a ready to use large size format can be copied from the book or customized and printed from the accompanying CD ROM **The Counselor and the Law** Anne Marie Wheeler, Burt Bertram, 2019-04-04 This eighth edition provides a current and comprehensive discussion of counselors legal and ethical responsibilities an examination of state and federal laws as they relate to practice and helpful risk management strategies Attorney Nancy Wheeler and Burt Bertram a private practitioner and counselor educator offer real world practical tips to help navigate professional risks while providing competent clinical care New or updated topics include matters surrounding informed consent current case law on duty to warn protect and issues surrounding suicide in college university settings electronic records and ransomware concerns and updates on state licensure board data regarding boundary violations The authors legal and ethical decision making model will assist counselors and students with processing their own legal and ethical dilemmas and the ACA Code of Ethics is included as a handy reference Requests for digital versions from ACA can be found on www.wiley.com To request print copies please visit the ACA <https://imis.counseling.org> store detail Reproduction requests for material from books published by ACA should be directed to publications@counseling.org

org **Practicum and Internship Experiences in Counseling** Bradley T. Erford, 2023-03-24 This ready to use resource provides the practical information and hands on skills interns and practicum students need to successfully complete their clinical experiences and join the counseling profession with confidence Designed to accompany students as they advance through practicum and internship Practicum and Internship Experiences in Counseling helps bridge the gap from theory to practice It covers the day to day elements of practice in agencies and schools that are often missing from the theory based courses Chapters are packed with case examples activities voices from the field and self assessments including tools for assessing and addressing ethnocentrism intersectionality and bias in counseling practice This resource orients clinical students to the field while providing them with the day to day skills they need to thrive Special focus on Expectations and how to get the most out of the supervision process Assessment and intervention with clients in danger and crisis Wellness and developing healthy work and personal habits to carry through one's entire career Readers see clearly how to Apply the laws and ethics in everyday clinical practice Work with special issues neuropsych and psychopharmacology and populations Market and position oneself in the job market with an eye toward growing marketing a counseling practice after graduation Included in each chapter Several self assessment activities encouraging self reflection and self assessment on the concepts of the chapter Voices from the field features providing firsthand in the trenches perspectives from counselors who have been there and done that Realistic case examples challenging readers to apply knowledge and skills to realistic cases they are likely to encounter in the field Included are separate chapters on Relationship building Goal setting Record keeping The integration of theory into practice **Foundations of Couples, Marriage, and Family Counseling** David Capuzzi, Mark D. Stauffer, 2021-04-09 Foundations of Couples Marriage and Family Counseling A newly updated and practical approach to marriage couples and family counseling Now in its second edition Foundations of Couples Marriage and Family Counseling delivers a comprehensive treatment of current theory research and real life practice in family therapy The text is fully aligned with the Council for Accreditation of Counseling and Related Educational Programs CACREP and Commission on Accreditation for Marriage and Family Therapy Education COAMFTE It covers foundational and advanced topics of critical importance to student counselors and therapists seeking to work in family settings including sexuality trauma divorce domestic violence addictions filial play therapy and the positioning of culture and context in family therapy The new edition includes updated content in each chapter and entirely new chapters on assessments and helping families mitigate adapt and transition during crisis This important book Covers the basic knowledge and skills essential to students and practitioners of couples and family therapy Details the history concepts and techniques associated with crucial theories and includes a new chapter on the most up to date assessment strategies Tackles contemporary issues and interventions in trauma divorce domestic violence sexuality and more At once comprehensive and concise the Second Edition of Foundations of Couples Marriage and Family Counseling offers readers a guide to the complex and interconnected concepts required to support a

full understanding of couples and family therapy Psychiatric-Mental Health Guidelines for Advanced Practice Nurses
Brenda Marshall, Julie Bliss, Suzanne Drake, 2024-11-20 Delivers a breadth of content encompassing all aspects of psych
mental health care along the provider continuum This unique clinical reference supports APRNs and PMH NPs as they strive
to provide high quality evidence based care to patients with mental health issues and conditions Designed to support the
ongoing needs and changing practice requirements of these nursing professionals this new text provides a comprehensive
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referrals Covers polypharmacy differential diagnosis and patient education Includes coverage of special populations
including LGBTQ homeless and indigent veterans and survivors of war and many others **Record Keeping in**

Psychotherapy and Counseling Ellen T. Luepker, 2012-04-27 Record Keeping in Psychotherapy and Counseling provides an
essential framework for understanding record keeping within legal ethical supervisory and clinical contexts Compelling case
examples identify dilemmas and strategies in protecting confidentiality More than a simple reference book this text
introduces the concept of using records as therapeutic tools to strengthen the therapeutic relationship and facilitate clinical
supervision Appendices and an accompanying CD offer sample forms A reader friendly style makes this new edition
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aspects of the practicum and internship process This text guides students through the important pre professional training experiences from the selection of an appropriate practicum site to the final evaluation of the internship Organizing the content into four sections for clarity and ease of use the authors discuss all the relevant information regarding the practicum experience preparation for the internship the internship experience and evaluation and important ethical and legal considerations New in this edition are a listing and description of the various counseling theories and techniques a section on crisis intervention and response detailed guidelines for school mental health consultation and forms for evaluating performance cognitive and consulting skills Forms are provided at the end of the book for the student s use in site selection assessment client treatment and performance feedback and evaluation These forms are also included in electronic format on an accompanying CD to allow students to modify and reuse them

Using Technology to Enhance Clinical Supervision Tony Rousmaniere, Edina Renfro-Michel, 2016-01-08 This is the first comprehensive research and practice based guide for understanding and assessing supervision technology and for using it to improve the breadth and depth of services offered to supervisees and clients Written by supervisors for supervisors it examines the technology that is currently available and how and when to use it Part I provides a thorough review of the technological legal ethical cultural accessibility and security competencies that are the foundation for effectively integrating technology into clinical supervision Part II presents applications of the most prominent and innovative uses of technology across the major domains in counseling along with best practices for delivery Each chapter in this section contains a literature review concrete examples for use case examples and lessons learned Requests for digital versions from the ACA can be found on wiley.com To request print copies please visit the ACA website here Reproduction requests for material from books published by ACA should be directed to permissions.counseling.org

The Use of Psychological Testing for Treatment Planning and Outcomes Assessment Mark E. Maruish, 2004-07-19 Test based psychological assessment has been significantly affected by the health care revolution in the United States during the past two decades Despite new limitations on psychological services across the board and psychological testing in particular it continues to offer a rapid and efficient method of identifying problems planning and monitoring a course of treatment and assessing the outcomes of interventions This thoroughly revised and greatly expanded third edition of a classic reference now three volumes constitutes an invaluable resource for practitioners who in a managed care era need to focus their testing not on the general goals of personality assessment symptom identification and diagnosis so often presented to them as students and trainees but on specific questions What course of treatment should this person receive How is it going Was it effective New chapters describe new tests and models and new concerns such as ethical aspects of outcomes assessment Volume I reviews general issues and recommendations concerning the use of psychological testing for screening for psychological disturbances planning and monitoring appropriate interventions and the assessing outcomes and offers specific guidelines for selecting instruments It also considers more specific issues such as the analysis of

group and individual patient data the selection and implementation of outcomes instrumentation and the ethics of gathering and using outcomes data Volume II discusses psychological measures developed for use with younger children and adolescents that can be used for the purposes outlined in Volume I Volume III those developed for use with adults Drawing on the knowledge and experience of a diverse group of leading experts test developers researchers clinicians and others the third edition of *The Use of Psychological Testing for Treatment Planning and Outcomes Assessment* provides vital assistance to all clinicians and to their trainees and graduate students *Practicum and Internship* Christin M. Jungers, Judith Scott, Jocelyn Gregoire, 2024-10-11 The seventh edition of *Practicum and Internship* is a practical resource that provides students and supervisors with thorough coverage of all stages and aspects of the practicum and internship process New to this edition are Extensive revisions and updates to appendices and downloadable customizable online forms contracts and other materials New material on transitioning to internship New discussion of evidence based approaches to all aspects of the counseling process including clinical assessment case conceptualization and counseling techniques An expanded exploration of teletherapy and distance counseling and highly reported ethical and legal issues such as record keeping and billing Thoughtful review of contemporary cultural issues across the core therapeutic and supervisory processes Updated review of risk assessment procedures particularly for suicidal and homicidal clients New information on mentorship and self care Updated research and scholarship throughout With comprehensive information that spans across therapeutic approaches concerns and topics this remains an essential foundational text for counseling and psychotherapy students and their supervisors **Hospitals & Health Care Organizations** David Edward Marcinko, Hope Rachel Hetico, 2012-07-06 Drawing on the expertise of decision making professionals leaders and managers in health care organizations *Hospitals Health Care Organizations Management Strategies Operational Techniques Tools Templates and Case Studies* addresses decreasing revenues increasing costs and growing consumer expectations in today's increasingly competitive health care market Offering practical experience and applied operating vision the authors integrate Lean managerial applications and regulatory perspectives with real world case studies models reports charts tables diagrams and sample contracts The result is an integration of post PP ACA market competition insight with Lean management and operational strategies vital to all health care administrators comptrollers and physician executives The text is divided into three sections Managerial Fundamentals Policy and Procedures Strategies and Execution Using an engaging style the book is filled with authoritative guidance practical health care centered discussions templates checklists and clinical examples to provide you with the tools to build a clinically efficient system Its wide ranging coverage includes hard to find topics such as hospital inventory management capital formation and revenue cycle enhancement Health care leadership governance and compliance practices like OSHA HIPAA Sarbanes Oxley and emerging ACO model policies are included Health 2 0 information technologies EMRs CPOEs and social media collaboration are also covered as are 5S Six Sigma and other logistical enhancing flow through

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