Record keeping in Counselling

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Guideline 4—Disclosure of Record Keeping Procedures: When appropriate, psychologists inform clients of the nature and extent of record keeping procedures (including a statement on the limitations of confidentiality of the records; Ethics Code, Standard 4.02).

Rationale

Informed consent is part of the ethical and legal basis of professional psychology procedures (Ethics Code, Standards 3.10, 8.02, 9.03, and 10.01), and disclosure of record keeping procedures may be a part of this process.

Application

- Consistent with the APA’s Ethics Code, psychologists obtain and document informed consent appropriate to the circumstances at the beginning of the professional relationship.

- The manner in which records are maintained may potentially affect the client in ways that may be unanticipated by the client. Psychologists are encouraged to inform the client about these situations. For example, in some medical settings, client records may become part of an electronic file that is accessible by a broad range of institutional staff.
Guideline 5—Maintenance of Records: The psychologist strives to organize and maintain records to ensure their accuracy and to facilitate their use by the psychologist and others with legitimate access to them.

Rationale

• Organization of client records in a manner that allows for thoroughness and accuracy of records, as well as efficient retrieval, both benefits the client and permits the psychologist to monitor ongoing care and interventions.
• In the case of the death or disability of the psychologist or of an unexpected transfer of the client’s care to another professional, current, accurate, and organized records allow for continuity of care.

Application

• The psychologist is encouraged to update active records to reflect professional services delivered to the client and changes in the client’s status. The psychologist may use various methods to organize records to assist in storage and retrieval.
• Psychotherapy notes are necessarily kept apart from other parts of the record.
• Additionally, client information that may be considered useful to others and that is intended to be shared with them may constitute a section. A psychologist may also consider, for purposes of convenience and organization, an additional section to include material generated by the client or by third parties, such as the client’s family members, or from prior treatment providers.
Guideline 6—Security: The psychologist takes appropriate steps to protect records from unauthorized access, damage, and destruction.

Rationale
• Psychologists proceed with respect for the rights of individuals to privacy and confidentiality. Appropriate security procedures protect against the loss of or unauthorized access to the record, which could have serious consequences for both the client and psychologist. Advances in technology, especially in electronic record keeping, may create new challenges for psychologists in their efforts to maintain the security of their records.

Application
• Psychologists are encouraged to keep paper records in a secure manner in safe locations where they may be protected from damage and destruction (e.g., fire, water, mold, insects).
• Condensed records may be copied and kept in separate locations so as to preserve a copy from natural or other disasters.
• Similarly, electronic records stored on magnetic and other electronic media may require protection from damage (e.g., electric fields or mechanical insult; power surges or outage; and attack from viruses, worms, or other destructive programs).
• Psychologists may plan for archiving of electronic data including file and system backups and off-site storage of data.
Guideline 7—Retention of Records: The psychologist strives to be aware of applicable laws and regulations and to retain records for the period required by legal, regulatory, institutional, and ethical requirements.

Rationale
- A variety of circumstances (e.g., requests from clients or treatment providers, legal proceedings) may require release of client records after the psychologist’s termination of contact with the client.
- Additionally, it is beneficial for the psychologist to retain information concerning the specific nature, quality, and rationale for services provided.
- The retention of records may serve not only the interests of the client and the psychologist but also society’s interests in a fair and effective legal dispute resolution and administration of justice, when those records are sought to illuminate some legal issue such as the nature of the treatment provided or the psychological condition of the client at the time of services.

Application
- In the absence of a superceding requirement, psychologists may consider retaining full records until 7 years after the last date of service delivery for adults or until 3 years after a minor reaches the age of majority, whichever is later.
- In some circumstances, the psychologist may wish to keep records for a longer period, weighing the risks associated with obsolete or outdated information, or privacy loss, versus the potential benefits associated with preserving the records.
Guideline 9—Electronic Records: Electronic records, like paper records, should be created and maintained in a way that is designed to protect their security, integrity, confidentiality, and appropriate access, as well as their compliance with applicable legal and ethical requirements.

Rationale

• The use of electronic methods and media compels psychologists to become aware of the unique aspects of electronic record keeping in their particular practice settings. These aspects include limitations to the confidentiality of these records, methods to keep these records secure, measures necessary to maintain the integrity of the records, and the unique challenges of disposing of these records.
• Psychologists struggle with questions such as whether to communicate with clients through e-mail and how to allow for the secure transmission, storage, and destruction of electronic records. The ease of creating, transmitting, and sharing electronic records may expose psychologists to risks of unintended disclosure of confidential information.

Application

• Psychologists may develop security procedures that fit the specific circumstances in which they work. Psychologists using online test administration and scoring systems may consider using a case identification number rather than the client’s Social Security number as the record identifier.
• Psychologists using computers or other digital or electronic storage devices to maintain client treatment records may consider using passwords or encryption to protect confidential material. The psychologist strives to become aware of special issues associated with using electronic methods and media and seeks training and consultation when necessary.
Guideline 10—Record Keeping in Organizational Settings: Psychologists working in organizational settings (e.g., hospitals, schools, community agencies, prisons) strive to follow the record keeping policies and procedures of the organization as well as the APA Ethics Code.

Rationale

• Psychologists working in organizational settings may encounter conflicts between the practices of their organization and established professional guidelines, ethical standards, or legal and regulatory requirements.
• Additionally, record ownership and responsibility is not always clearly defined. Often, multiple service providers access and contribute to the record. This potentially affects the degree to which the psychologist may exercise control of the record and its confidentiality.

Application

• Three record keeping issues arise when psychologists provide services in organizational settings: conflicts between organizational and other requirements, ownership of the records, and access to the records.
• The psychologist may consult with colleagues in the organization to support record keeping that serves the needs of different disciplines and while meeting acceptable record keeping requirements and guidelines.
• In addition, the psychologist may review local, state, and federal laws and regulations that pertain to that organization and its record keeping practices.
• In the event that there are conflicts between an organization’s policies and procedures and the Ethics Code, psychologists clarify the nature of the conflict, make their ethical commitments known, and to the extent feasible, resolve the conflict consistent with those commitments.
Guideline 11—Multiple Client Records: The psychologist carefully considers documentation procedures when conducting couple, family, or group therapy in order to respect the privacy and confidentiality of all parties.

Rationale
• In providing services to multiple clients, issues of record keeping may become very complex. Because records may include information about more than one individual client, legitimate disclosure of information regarding one client may compromise the confidentiality of other clients.

Application
• The psychologist strives to keep records in ways that facilitate authorized disclosures while protecting the privacy of clients. In services involving multiple individuals, it may be important to specify the identified client(s). In some situations, such as group therapy, it may make sense to create and maintain a complete and separate record for all identified clients.
• On the other hand, if a couple or family is the identified client, then one might keep a single record. Upon later requests for release of records, it will be necessary to release only the portions relevant to the party covered by the release. Given this possibility, the psychologist may choose to keep separate records on each participant from the outset.
Guideline 12—Financial Records: The psychologist strives to ensure accuracy of financial records.

Rationale

• Accurate and complete financial record keeping helps to ensure accuracy in billing (Ethics Code, Standards 6.04 and 6.06).
• Accurate financial records not only assist payers in assessing the nature of the payment obligation but also provide a basis for understanding exactly which services have been billed and paid. Up-to-date record keeping can alert the psychologist and the client to accumulating balances that, left unaddressed, may adversely affect the professional relationship.

Application

• Financial records may include, as appropriate, the type and duration of the service rendered, the name of the client, fees paid for the service, and agreements concerning fees, along with date, amount, and source of payment received.
• Special consideration may be given to fee agreements and policies, barter agreements, issues relating to adjusting balances, issues concerning co-payments, and concerns about collection.
Guideline 13—Disposition of Records: The psychologist plans for transfer of records to ensure continuity of treatment and appropriate access to records when the psychologist is no longer in direct control, and in planning for record disposal, the psychologist endeavours to employ methods that preserve confidentiality and prevent recovery.

Rationale
- Client records are accorded special treatment in times of transition (e.g., separation from work, relocation, death).
- A record transfer plan is required by both the Ethics Code (Standard 6.02), and by laws and regulations governing health care practice. Such a plan provides for continuity of treatment and preservation of confidentiality.
- Additionally, the Ethics Code (Standards 6.01 and 6.02) requires psychologists to dispose of records in a way that preserves their confidentiality.

Application
- The psychologist has two responsibilities in relation to the transfer and disposal of records.
- In anticipation of unexpected events, such as disability, death, or involuntary withdrawal from practice, the psychologist may wish to develop a disposition plan in which provisions are made for the control and management of the records by a trained individual or agency.
- In other circumstances, when the psychologist plans in advance to leave employment, close a practice, or retire, similar arrangements may be made or the psychologist may wish to retain custody and control of client records.
Thank you!