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The ethics of documentation

What are some perspectives on case notes?

- I have been in the human service field for many years. Seem that things change so fast. However not for the better. Too much paperwork and limited time servicing clients.
- I couldn't agree more. I have a CRC and I worked for the state of New Jersey for 15 years approximately and the time to counsel and guide takes a back seat to paperwork, ever changing regs, and the constant need to put out brush fires before they turn into full blown forest fires.
- I've been in human services for about 18 years, and I think the rise of technology has been helpful, and complicated the business (better AT and access, but too many stimuli for clients and students). And, I do remember reading actual (paper) files, having some time to consider the information before and after meeting with a client (along with completing more paperwork, of course!).
- I too have been in social services 20 + yrs and remember going from hand written narratives and/or dictation to computers!! We have to keep embracing change; and technology does make amazing improvements for some customers! I feel lucky to still be able to do my job...my clients successes still make it worthwhile.
Agenda

- Review of purpose of case notes
- Ethical standards directly related to case records
- Connection between case notes and quality of client services
- Some strategies for case documentation
- Current and future ethical considerations

Purpose of case notes

- Respect dignity and promote the welfare of clients (CRCC standard A.1.a)
- Client progress
- Supervision
- Training
- Assessment of outcomes
- Continuity of services
- Forensic use (court ordered, subpoena)
**Ethical dilemmas**

- RC not expected to always make correct decision when faced with dilemma
- Expected to make best possible decision given available information
- Decision making process must be documented
  - What is the dilemma?
  - Sources of consultation?
  - Degree of consensus?
  - Decision made?
  - Justification and advantages over other courses of action

**Ethical standards directly related to case records**

- Informed consent
  - Professional disclosure statement (A.3.a)
    - Rights and responsibilities of consumer and RC
      - See CRCC website for templates of documents
      - Disclosure and release forms
    - Verbal supported by written format given to consumer
  - Needs to be reviewed with consumer in such a way that consumer
    - Has been informed of facts, risks, and benefits of receiving services
    - Has the capacity to understand facts, risks, and benefits
    - Understands engaging in services is voluntary
■ Information shared with others (B.3)
  ▪ Assurance of privacy and confidentiality of records within agency setting
    ▪ How are records stored?
    ▪ Who has access?

Records (B.6)

■ Requirement of records
  ▪ Sufficient and timely
  ▪ Accurate reflection of progress and services
  ▪ Errors noted and corrected, including when errors were corrected

■ Confidentiality of records
  ▪ Secure location
  ▪ Only authorized person have access
    ▪ Who is authorized?
- Client access
  - Client's rights to record
- Disclosure or transfer
  - Written release required
- Storage and disposal after termination
  - What's a reasonable time?
  - What does the state require?
- Reasonable precautions to protect confidentiality
  - Event of disaster

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**Technology and Distance Counseling (J)**

- Confidentiality, informed consent, security (J3a)
  - Explain limits of technology
  - Retention policies
  - Technology failures
- Transmitting confidential information (J3b)
  - E-mail, faxes, voicemail, Skype
- Security (J3c)
  - Encrypted or password protected internet sites
- Records management (J6a)
  - Electronic messages a part of consumer record
Connection between case notes and quality of client services

- Maximizes the benefit of services provided to client
  - Documents informed consent
  - Describes goal of services, outcome to be achieved
  - Means of services provided
  - Consumer progress
  - How consumer’s progress evaluated
  - Guides subsequent services to be delivered
  - Referral information
  - Holds both parties responsible for commitments made
  - Enables continuity of care

What should be included?

- Purpose and nature of services
- Responsibilities of consumer and RC
- Protections and limitations of confidentiality
- Informed consent
- How records are maintained
- Method of communication with consumer
- Purpose and details of services provided
- Assessment data and results
- Referral information
- Records and conclusions of referrals, other practitioners
- Copies of reports
Can be conceptualized into six categories:

- **Identifying information**
  - Basic personal and demographic information
  - Who provided consent, type of consent (oral, written)

- **Assessment information**
  - Broad range of results (psychological, social, family, vocational, educational, substance use, health assessment, functional abilities, strengths and limitations, motivation)

- **Plan of services**
  - Purpose of services, long and short-term goals, expected steps and outcome

- **Progress notes**
  - Information obtained from discussions with consumer, RC impressions, objective observations, goals and evaluation of each session
  - Objective, clear, concise
  - Description of consumer behaviors

- **Administration of services**
  - Correspondence with consumer and referrals, releases, consent – keep in mind consent is ongoing

- **Termination summary**
  - Identified problems, actions that might be taken to relieve problems, estimate of current functioning, outcome
### What shouldn’t be included?

- Unnecessary personal information that presents greater potential harm than benefit to consumer
- Information not germane to the goal of services being provided
- Unclear, unjustified statements
- Incorrect, out-of-date, incomplete information

### Some strategies for case documentation

- Assume record will be seen
  - by client
  - by supervisor
  - by auditors
  - by courts
- Your records will reflect your competence – write clearly and concisely
- Various formats for organizing information
  - SOAP
  - STIPS
SOAP Format

- Subjective component
  - Information about problem from consumer’s perspective
- Objective
  - RC’s observations, other written documentation
- Assessment
  - Summarization of RC’s evaluation of consumer’s circumstances
- Plan
  - Plan of action regarding future appointments, interventions, actions to be taken by consumer and RC

Considerations

- Subjective
  - What the consumer tells you
  - Includes consumer’s description of feelings, concerns, plans, goals, thoughts
  - Should be brief and concise
    - Perception of problem should be immediately clear
  - Minimal client quotations, usually not accurately recorded and can then be misleading later
    - record key words or very brief phrase
  - Content in subjective section belongs to the consumer
    - Consumer reports, states, says, described, indicates, complains of
Objective

- RC’s observations should be stated in precise and descriptive terms
  - Factual and quantifiable statements
  - What the RC personally observes
  - Outside written materials received
  - Avoid labels, personal judgments, opinionated statements
  - Words with negative connotation (uncooperative, manipulative, abusive, obnoxious, normal) are open to interpretation – keep it concise and clear what you are describing
  - Try describing the behavior itself that you observed

Assessment

- Synthesis and analysis of data from subjective and objective sections
- Includes RCs impressions, but should be identified as such
- Needs to demonstrate clearly the RCs thinking and reasoning
- This is the section most likely to be reviewed by others, such as auditors and supervisors, courts
Plan

- Includes action plan and prognosis
  - Next appointment
  - Interventions used during session
  - Educational instructions
  - Direction for next session
  - Need for consultations/referrals
  - Progress assessment

STIPS format

- Signs and symptoms of client
  - Observable behaviors noted, any changes in consumer’s level of functioning
- Topics of discussion in session
  - Major issues, developments or changes in consumer’s situation
- Interventions used in session
  - Goals established, homework assigned
- Progress of client and continuing plan for services
  - Brief summary of progress made toward goals, outcome of any interventions/services
- Special client issues
  - New and ongoing important issues recorded
  - This would include suicidal intent, homicidal threats, child/elderly safety or abuse issues, reports made to agencies
Future ethical considerations

- Probably most significant current and future considerations regarding case records is the use of electronic documentation
  - Video conferences
  - E-mails
  - Social networks
  - Text messages
  - Cloud storage

Ethical considerations

- Can confidentiality of records be assured?
- How are records maintained and for how long?
- What happens when there are technical difficulties?
- When files are deleted are they really deleted?
Increasing use of Cloud storage

- Allows for access to files and software from multiple devices – all you need is access to the internet
  - Benefits
    ▪ records can be maintained in spite of an environmental disaster
    ▪ Can be accessed remotely anytime, anywhere
    ▪ Provides updated backup of files
  - Limitations
    ▪ Can’t control confidentiality
    ▪ Records could be lost due to unforeseen technical issues
    ▪ May be difficult to truly delete records
    ▪ Updating records may result in inadvertently replacing previous record
- Critical to inform consumer how records are stored, risks and benefits to electronic storage

Final thoughts...

- Informed consent includes informing consumer how case documentation is handled, where it is stored, who has access, when it is destroyed, etc.
- Emails should always be encrypted – who else might see it on the consumer’s computer?
- Client files stored in the Cloud should be password protected – code for client rather than name, second document stored elsewhere that cross-lists code with consumer name
- Case documentation serves many purposes – prime purpose to promote consumer welfare