The ethics of documentation

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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
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 service
- 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