

Law and Ethics for County Behavioral Health Care Providers

This is a required training for the Informed Level Co-Occurring Certification



Linda Garrett has been providing risk management services to healthcare facilities and providers for over 25 years. As the loss prevention consultant for the CSAC Excess Insurance Authority Medical Malpractice Programs, she provides services to over 50 California public entity health, mental health, and correctional healthcare programs, as well as to several county hospitals in California. She also consults with a group of Nevada rural hospitals, providing similar education and loss prevention services. She trains providers and administrative staff on a variety of medical/legal topics including consent, charting, mandated reporting, involuntary mental health treatment, patients' rights, and federal and state medical confidentiality laws (including HIPAA/HITECH Act, and 42 CFR Part 2). Before working as a risk manager, Ms. Garrett practiced as a medical malpractice defense attorney for a law firm in San Francisco, California. She is a graduate of the University of California, Berkeley and UC Hastings College of the Law.

Target Audience:

County of Santa Clara's Behavioral Health Services staff and Contract Provider staff

September 28, 2023
9:00am - 4:30pm
Webinar

No WebCam. Please engage throughout the training via polling.

COURSE DESCRIPTION:

This will be a six-hour (6 CE) webinar presentation, with time for questions and discussion during and following each topic. We will focus on new laws, caselaw and regulations that will impact healthcare providers and their patients. We will also review issues raised by the Coronavirus pandemic including HIPAA privacy and security rules, and how COVID-19 has changed how telehealth is viewed by CMS and others.

We will then review new and proposed changes to substance use disorder privacy regulations, as well as the unexpected change in the underlying SUD privacy statute that was enacted as part of the CARES Act and will trigger new regulations in the Spring of 2021. There will then be a review of healthcare risk management basics on the topics of consent and confidentiality, including a review minor consent related to foster youth and wards of the court, as well as access to the chart.

Finally, we will address ethical issues, including concerns triggered by crisis standard of care realities during the COVID-19 state of emergency, and the ethical issues raised by the conflict between private social media use and the potential negative impact on patient care and the workplace.

COURSE OBJECTIVES:

Upon completion of the course, attendees will be able to:

1. articulate the impact that COVID-19 has had on telemedicine rules and how telemedicine has changed in its use and application during the declared state of emergency;
2. describe two changes to licensing laws for licensees of the Board of Behavioral Sciences;
3. list the time frames that must be met when a patient requests his or her own chart, and how much can be charged to that patient in order to provide a copy of the chart;
4. explain the change to the regulations that will allow SUD programs to update their consent form to make it easier to disclose SUD records to a homeless multidisciplinary team;
5. describe a minor dependent or ward's ability to consent to their own behavioral health care; and,
6. appreciate that their free speech rights and use of social media can have a negative impact on patient care, and their relationship with their coworkers and employer.

County of Santa Clara's Behavioral Health Services Department (CSCBHSD) is approved by the CA Association of Marriage and Family Therapist (CAMFT) to sponsor continuing education for the County of Santa Clara's LMFTs, LCSWs, LPCCs, and/or LEPs. CSCBHSD maintains responsibility for the program/course and its content. This course meets the qualifications for **6 hours of continuing education credit** for LMFTs, LCSWs, LPCCs and/or LEPs, as required by the CA Board of Behavioral Sciences (BBS). CAMFT is the BBS recognized approval agency-Provider # 131775. CSCBHSD is approved by California Consortium of Addiction Programs and Professionals - Educational Institute (CCAPP-EI), Provider Number 4S-95-305-0425 for 6 CEHs. Lunch and scheduled breaks during the training do not count toward continuing education credit.

Post test will be available immediately after the training and open for 30 minutes. Participants must pass the post test with 80% or higher to receive CE credits.

- ◇ **Our Trainings are free! Register at: <http://scclearn.sccgov.org>**
- ◇ Pre-registration in sccLearn is REQUIRED for CE credit.
- ◇ Registration and cancellation close at 9am two business days prior to training. You will be recorded as a No-Show in sccLearn if you don't attend and did not cancel the training.
- ◇ CE Certificates will be available to download in sccLearn 2-3 weeks after the training date.
- ◇ If you have questions, need accommodations, or have a grievance, please contact LPTraining@hhs.sccgov.org