



October 22, 2021 L&E Presentation

“Avoiding Sour Notes and Broken Records: Guidance for Creating and Maintaining Effective Patient Records”

Bradley J. Muldrow, Esq.

SYLLABUS

CE: 1.5

A. Title, Date & Time

“Avoiding Sour Notes and Broken Records: Guidance for Creating and Maintaining Effective Patient Records

October 22, 2021

9:00 am – 10:30 pm

B. Instructor Information

Bradley Jordan Muldrow, Esq.

CAMFT Staff Attorney

As a CAMFT staff attorney, **Bradley J. Muldrow, Esq.** takes member phone calls regarding law and ethics issues and contributes articles on those subjects to CAMFT's publication, the *Therapist*. Prior to joining CAMFT's legal team, Brad worked on litigation and regulatory matters as an attorney for San Diego Gas & Electric Company.

Since becoming an attorney, Brad has given law and ethics presentations to attorneys and judges as a member of the J. Clifford Wallace Inn of Court. He has also served as a board member for the Earl B. Gilliam Bar Foundation, a San Diego-based nonprofit.

C. General Information/Description

“How much detail should I include when recording notes?” “How long do I have to keep patient records following termination?” CAMFT staff attorneys receive numerous calls from practitioners who are curious about these and other recordkeeping topics. This workshop will provide therapists with the information they need to create and maintain effective patient records.

D. Educational Goals

Participants will become familiar with notetaking approaches that: 1) are consistent with their legal and ethical obligations; and 2) demonstrate their competence and the effectiveness of their services in case the notes are ever reviewed by attorneys or other third parties during litigation, BBS disciplinary hearings, or other legal processes. Participants will understand the legal requirements for storing physical records as well as electronic records.

E. Measurable Learning Objectives

Participants will be able to:

- Identify the requirements for storing physical patient records under HIPAA and California law, as well as additional HIPAA regulations for storing records electronically
- Recognize the BBS' recordkeeping standard and identify two additional recordkeeping systems that are utilized by certain third-party payers and employers
- Know how long the law requires them to keep patient records post-termination and why CAMFT recommends that practitioners keep their records for three years beyond that period

F. Outline

I. Recordkeeping

- a. What Are Patient Records?
- b. Standard for Recordkeeping
- c. Recordkeeping Ethics
- d. Responsibilities of Supervisors
- e. Substance of the Record
- f. Approaches to Notetaking
- g. Purposes for Notetaking

II. Maintaining Records

- a. Record Retention Period
- b. Storing Physical Records
- c. Storing Records Electronically
- d. The 21st Century CURES Act Final Rule

III. Conclusion