The VSCSW Board of Directors reviewed a product presented by Joseph G. Lynch LCSW, CSOTP at a previous meeting and authorized the further development of a joint effort. That development has led to a joint effort of Joseph G. Lynch LCSW, CSOTP, Frances B. Goddard LCSW, and the VSCSW to produce a product called “Private Practice in a Box” that will come before the VSCSW Board of Directors for approval at the July 2012 meeting. It will be available for purchase very soon on the VSCSW web site on the Continuing Education page.

What is "Private Practice in a Box"?

When starting a private practice as a behavioral health care provider or when updating your practice it is necessary to be aware of multiple regulatory, insurance, managed care, and legal requirements in the design and operation of your practice. The forms you design for your practice must include all of the items that would be reviewed by a managed care company during a Chart Record Audit. There must be information to substantiate that the treatment met "Medical Necessity" criteria. There are Health Insurance Portability and Accountability Act (HIPAA) requirements that each behavioral health care provider must meet and be able to document that they have policies and procedures that are consistent with HIPAA requirements. “Private Practice in a Box” is a way to help meet these requirements.

What is included?

The product includes a Private Practice Manual and a CD with over 70 forms, information sheets and private practice policy manual. The forms are saved as Word, Word Template, Rich Text Format, and PDF documents so there is likely at least one version that will work with your computer system.

1. Electronic Medical Forms and Fill in the blank Forms,
   Some of the Forms are:

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2. Informational Documents,
   - Chart Audit Web Sites
   - Definition of HIPAA terms
   - Notice of Privacy Practices

3. HIPAA Standards Compliance Self-Assessment
   - HIPAA Security Standards Matrix:
     - Administrative Safeguards
     - Technical Safeguards
     - Physical Safeguards

   There are three different Matrices to use to help guide you through the process of developing policies and procedures that are consistent with HIPAA standards. This provides a way to document the procedures you used to implement compliance with HIPAA

4. Private Practice Manual,
   This handy manual first addresses the choice to go into private practice. What do you need to think about as you make this very important decision? There is a chapter on ethics that includes a discussion of boundary crossings and “slippery slope” behaviors to guard against. Finally you have a tabbed compilation of forms that take you from brochures used to introduce your practice to patient forms, financial forms, and even the DSM codes most often used in practice. It provides a starting place for you as you design your own individual approach to Private Practice.

   Now for the DISCLAIMER: There are a wide variety of standards and requirements from state to state and from one managed care company to another. So there is no guarantee that "Private Practice in a Box" will meet every specific requirement that you may have in your specific circumstances. You must use your professional judgment and consult with your own legal counsel and review your own state laws and contractual terms and conditions you have with any entity to be sure that the items in this product will be suitable to your specific situation. Accepting the terms of the disclaimer is a condition of purchasing "Private Practice in a Box". In a perfect world we wouldn't need this disclaimer, but in a perfect world, you wouldn't need lawyers either. All of the materials contained in "Private Practice in a Box" are copyrighted.

   Our intent is for "Private Practice in a Box" to provide useful information to you and function as the equivalent of a seminar attended by behavioral health care providers. No information or materials provided by "Private Practice in a Box" are copyrighted.
"Private Practice in a Box" is intended to constitute legal advice. We cannot guarantee the accuracy of information, especially as to each individual situation. Neither the receipt nor the distribution of materials constitutes the formation of an attorney-client relationship. Materials distributed shall not in any event be deemed confidential or privileged.

No one shall be entitled to claim detrimental reliance on any views or forms or models provided or expressed, or to claim that there is a duty to update answers or materials provided or to use care to protect the interests of the recipient. You should not rely on our statements for legal advice, and should always confirm such information with your lawyers, who should be responsible for taking whatever steps are necessary to check all information and personally assuring that the advice they provide is based on accurate and complete information and research from any available sources.

By purchasing "Private Practice in a Box" you are granted a license to use this product for yourself. No duplication without purchase is permitted. Prior to any commercial use of this copyrighted product written terms and conditions must be agreed upon by VSCSW and any other party. If you violate any of these terms then your license is withdrawn and the use fee is the same as the statutory damages under the copyright law. Use or continuing use is an acceptance of these contract terms and a waiver of any defenses or objections, including jurisdiction. You also agree that any conflict arising out of use of "Private Practice in a Box" is subject to binding arbitration and venue is established to be in Harrisonburg, Virginia. Finally you are not permitted to use any of "Private Practice in a Box" material on your web site.

Now that the disclaimer is out of the way, we want to focus on the content details of "Private Practice in a Box." It is organized into 5 components. Below is a brief description of each component, a table listing all of the documents and a description of each individual document. The components are:

1. **Electronic Medical Forms:**
   These are Forms that are saved as Word Templates. That means you can't change the form you can only enter data to fill in the form. After you fill in the form you may save the form with a different name for each client in a file or folder and maintain the record electronically.
   This is not an Electronic Medical Record or an Electronic Health Record. Both of those terms have specific meaning as follows:
   - **EMR - Electronic Medical Record:** An electronic record of health-related information on an individual that can be created, gathered, managed, and consulted by authorized clinicians and staff within one health care organization.
   - **EHR - Electronic Health Record:** An electronic record of health-related information on an individual that conforms to nationally recognized interoperability standards and that can be created, managed, and consulted by authorized clinicians and staff across more than one health care organization.
   
   (The National Alliance for Health Information Technology, Report to the Office of the National Coordinator for Health Information Technology (April 2008)

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There are a number of federal agencies that are regulating EMR and EHR such as:
   US Department of Health and Human Services (HHS)
   Centers for Medicare and Medicaid (CMS)
   Office of the National Coordinator (ONC)

There are 2014 standards and certification criteria for electronic health record (EHR) technology and providers need to follow those standards to qualify for incentive payments. At the present time there are no incentive payments for Behavioral Healthcare Providers. The cost for a behavioral healthcare provider to convert to an Electronic Health Record system is substantial. **Private Practice in a box is not in any way representing their product to meet the standards for EMR or EHR.** That being said, we do think our Electronic Medical Forms will help the practitioner become more familiar with electronic record keeping.

2. **Fill in the blank Forms:**
   These forms are more standard print copies and fill in the blank. They are saved as:
   A. Word Document
   B. Word 97-2003 Document
   C. Rich Text Format

   The hope is that one of these formats will work with your computer system and software but we do not guarantee that it will work with all systems and software. Many of these forms do allow you to open the document and go to the "heading" section and insert your practice name and address at the top of the form if you want to personalize the form. Also some of the forms allow you to make changes to the form; some do not allow changes in order to preserve the formatting of the form.

3. **Informational Documents:**
   These forms contain information that may be helpful to your client or to you in structuring your practice. Each document will be discussed below.

4. **HIPAA Standards Compliance Self Assessment:**
   As you set up your practice there are HIPAA Privacy and Security standards that require you to develop policy and implementation plans. These matrices may assist you in organizing your process so you can address the various requirements of developing these policies and plans.

5. **Private Practice Manual:**
   This handy manual first addresses the choice to go into private practice. What do you need to think about as you make
this very important decision? There is a chapter on ethics that includes a discussion of boundary crossings and “slippery slope” behaviors to guard against. Finally you have a tabbed compilation of forms that take you from brochures used to introduce your practice to patient forms, financial forms, and even the DSM codes most often used in practice. It provides a starting place for you as you design your own individual approach to Private Practice.

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DESCRIPTIONS OF INDIVIDUAL FORMS:

1. **Accounting and Disclosures Log**: (Saved as Word Template and Word 97-2003 and RTF)

   HIPAA requires that covered entities maintain an accounting of Protected Health Information (PHI) that is released when not disclosed for Treatment, Payment or Health Care Operations. Examples of this are Mandatory Child Abuse or Elder Abuse reporting statutes, Duty to Warn statutes, Court Orders and other times when required by law to disclose PHI. This form is used to log these types of disclosures of PHI.

2. **Acknowledgement of Receipt of Privacy Practices**: (Saved as Word 97-2003 document)

   HIPAA requires that you present a Notice of Privacy Practices document to each client and that you document the client’s receipt of the Privacy Practices by an Acknowledgement form.

3. **Chart Audit Web Sites**: (Saved as Word 97-2003 document)

   Many managed care companies and insurance companies as part of the contractual agreement with the behavioral health care provider conduct Chart Audits. This is an audit of the medical record to see if it complies with the terms that the provider agreed to by signing the contract concerning documentation in the medical record. Most companies have some sort of Chart Audit Tool which list out the specific criteria that must be included in the patient record. This is a sample of some of the Chart Audit tools for several companies.

4. **Client Contact form**: (Saved as word template as RTF, and Word 97-2003 document)

   This form allows the practitioner to record contacts with the client including sessions, phone calls to or from the client or to or from others involved with the client's treatment.

5. **Data Sheet**: (fill in the blank saved in Word and RTF)

   This is an intake or data sheet that the client fills out at the first session. It provides basic demographic information and also ask for specific permission to contact the client at different phone numbers, addresses and e-mail address. This helps to comply with HIPAA in documenting that you have specific permission to contact the client at these specific numbers and places.
6. Definition of HIPAA terms (Word document)

This is copied from the HIPAA regulations and list out the terms and their definition according to HIPAA for many terms that are frequently used by HIPAA.

7. HIPAA Security Standards Matrix: (Saved as Word and RTF)

    Administrative Safeguards
    Technical Safeguards
    Physical Safeguards

    There are three different Matrices to use to help guide you through the process of developing policies and procedures that are consistent with HIPAA standards. This provides a way to document the procedures you used to implement compliance with HIPAA.

8. Informed Consent for Treatment: (Saved as Word and RTF)

    This form outlines the items that must be included in a proper informed consent for treatment. It also emphasizes professional boundaries will be maintained. It documents that the client was informed and consented to the treatment.

9. Internal Chart Audit Tool: (Saved as Word and RTF)

    This is an Internal Chart Audit Tool for you to self-administer to see if your charting is being kept up with the forms from Private Practice in a Box. It is an internal quality control measure to self-administer periodically to yourself and your practice to assure you are in compliance with HIPAA.

10. Medical Record- Initial Evaluation (saved as Word 97-2003, in Word and as Rich Text Format. Also it is saved as a Template)

    This is a major foundation form to record critical information that must be included in the patient's medical record. It has a mental status exam, psychiatric history, and identifies the presenting problem. It includes many items that managed care companies require to be evaluated and documented.

11. Medical Record- Progress Note: (saved as Word and RTF)

    This form is to be used at each session except the first session. It has many of the items that managed care companies require evaluated each session.
12. **Medication Review Chart:** (saved as Word document and RTF)

   This is a way to keep the medication information updated in one place so when a review or question arises it is easily accessible.


   HIPAA requires that you provide each client with a Notice of Privacy Practices. This is a version of that Notice and you may want to edit this to include any information specific to your practice. It has some references to the Code of Virginia, which or course only apply if you are located in Virginia.

14. **PCP Psychiatrist Release of Information:** (Saved as a Word Template and as Word and RTF)

   Many managed care companies require documentation of coordination of care with the Primary Care Physician (PCP) and/or the treating psychiatrist involved with your patient. This form combines a brief letter and Release of Information all into one form.

15. **Release of Information** (Saved as Word Template and as Word and RTF)

   This is a generic Release of information form. You may want to edit this form to suit your specific circumstances and state law.

16. **Standard Operating Policies and Procedures:** (Saved as Word 97-2003 document)

   HIPAA requires a covered entity to have policies and procedures that cover many issues. This Standard Operating Policies and Procedures manual (SOP) is a generic boiler plate type manual. You should read through it carefully and edit the contents to assure that it contains any information specific to your circumstances. It is a good starting point for developing HIPAA compliant policies and procedures for your practice.