Keeping appropriate client records is a matter of sound practice. Among their many uses, good records can help ensure continuity of care and protect a practitioner in the event of legal proceedings. The following common questions from APA members are followed by answers from staff attorneys for the APA Practice Organization.

Q. How should I determine what to include in my records?

A. It is important for you to know about and comply with relevant laws, which vary among states. For example, psychology licensing laws often contain provisions that pertain to record keeping. Many state psychology licensing board websites include links to statutes and administrative rules that govern client record keeping. A knowledgeable attorney also can assist you with knowing what state law requires of practitioners.

APA offers guidance through its Record Keeping Guidelines (approved in 1993; currently being updated), as well as the APA Ethical Principles of Psychologists and Code of Conduct. If you are a member, check also with your state, provincial or territorial psychological association for pertinent information about record keeping requirements in your state.

Several additional considerations may help you determine what to put in your records:

The level of detail and the types of observations you record about your clients may vary depending on your type of practice and your theoretical orientation.

Your record may need to include information to support claims for insurance reimbursement. For example, your local Medicare carrier may have specific requirements related to documentation of services that you can find on the carrier’s web site. Private insurance companies also may have record keeping requirements that you should know about before starting treatment. Keep in mind that such insurance requirements are separate from and do not supplant legal and ethical mandates.

Consider the possibility that your records may be subpoenaed in connection with a legal action. For example, you may want to keep records of therapy for a parent involved in a child custody dispute with that circumstance in mind.

Be mindful of institutional requirements. Many health care facilities have specific record keeping policies that affiliated health professionals must comply with.

Q. How long should I keep records?

A. The amount of time depends on factors including state law and insurance requirements. State laws governing record retention often require that they be maintained for seven years after the professional relationship ends. This time period does not start for minors’ records until the minor reaches the age of majority.

The nature of your practice also has a bearing on how long to keep client records. For example, psychologists who do forensics work need to determine whether the duration of litigation that they are involved with may require keeping records beyond the period required by state law.

Q. What access do my clients have to information in their record?

A. Although state laws differ concerning the nature and extent of access that clients may have to their records, many states grant considerable rights to clients. Some laws give unrestricted access to clients.

Other state laws may allow a health professional to deny access only when the provider believes that it will harm a client to see his or her records. These laws vary in how they define the type and severity of harm necessary to justify withholding access. For example, one law may establish a standard of “substantial risk of significant adverse consequences to the patient,” while another law would allow psychologists to
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withhold information in the record if they thought it would be “harmful to patient’s physical or mental health.”

Q. Who “owns” the record if I leave a practice setting where I have been employed?

A. There is not always a clear answer to this question unless it has been addressed contractually as part of an employment agreement. It is generally advisable to clarify at the outset whether a facility or group practice considers that it keeps the records or that the individual psychologist does so.

If there is disagreement on the issue of record ownership when you leave an employment setting, you may look to several factors in settling the dispute, including:

· **Standard practice in your geographic area.** Does the employer or the psychologist typically keep the record?

· **Clients’ perceptions.** Do clients view the facility or group practice as their source of treatment? Or do they consider that their primary relationship is with the individual psychologist and expect that he or she is keeping the records?

· **The degree of latitude in keeping records.** Does the facility or group practice have a policy that governs how records are kept, or do the health professionals employed there generally keep records as they see fit?

In addition to these questions and answers, another important consideration involves requirements of the HIPAA Privacy and Security Rules that pertain to record keeping. Licensed APA members who pay the Practice Assessment will find information about these rules at APAPractice.org.

**PracticeUpdate E-NEWSLETTER**

The *PracticeUpdate* email newsletter from the APA Practice Organization provides timely and practical information and tools to assist you with your professional needs. *PracticeUpdate* covers a range of issues and topics affecting the practice of psychology — for example, the impact of various laws on practitioners, recent legislative developments, and information and tools to help you manage and grow your practice.

*PracticeUpdate* is emailed to members who are eligible to access APAPractice.org and have provided APA membership with their email address. To access current and past issues of *PracticeUpdate*, register for APAPractice.org and visit the “Publications and Books” section of the site.

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