

# Student Counseling Center Records

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## **Client Files**

Counseling staff maintain files in Titanium for all clients with whom they complete an intake or an emergency appointment. The physical file is made by the Front desk staff, prior to the client's first appointment. (See its contents listed above under *Documentation of Services*.) The electronic file contains all clinically significant contacts, including session notes, no-shows, cancellations, consultations, pertinent phone calls, and transfer/termination summaries. All consultations with individuals that are not clients of the counseling center should be documented in the "Consultation X" file in the Titanium database. The physical file will contain all intake paperwork, the intake report, any releases of information, letters written, referrals, and termination paperwork. Assessment data and reports as well as any documents provided by the client should also be stored in the physical file. Files are reviewed periodically by the director.

## Storing Client Paper Records

Files for open cases are kept behind the therapists' name tabs in the first and second drawers of the vertical file cabinet in the records' room. We suggest therapists file their charts in alphabetical order behind their name tab. Upon termination the file should be closed and placed in the third drawer of the active file cabinet. For more information see section "Records" below.

## Colored Files

Colored files are placed in the top drawer of the locked file cabinet at the front of the files in the first drawer of the vertical file cabinet. The green file is for new intake clients charts, there are two red files, one is for new clients on a waiting list and the other is for intakes that fail to attend their appointment, and the blue file is for items to be picked up by clients.

Items found in the printer or fax machine belonging to other clinicians should be stored in their individual wall pockets in the records' room. If you cannot determine to whom an item should go, place it in the misc. mailbox. You should check this spot periodically to see if there is anything in there belonging to you.

## Releases of Information

Texas requires that clients give written authorization before releasing any information relating to their treatment including their status as a client. The Counseling Center has a form that should be used whenever information is to be released, orally or in writing. Whenever there is a question about the need for a written release, the supervisor and/or director should be consulted. Failure to comply with the Confidentiality Act can lead to disciplinary action.

## **Confidentiality of Records**

As an employee/trainee of the University of Texas at Dallas Student Counseling Center, you will be informed and must understand that information concerning clients is confidential and is not to be disclosed without the client's appropriate authorization, a valid subpoena, or court order. There are several other exceptions to confidentiality that are specific to Texas law including: risk of imminent harm to self or others which can only be reported to medical facilities or law enforcement; abuse of a minor, elderly person or a disabled person must be reported to the appropriate agency; known or suspected sexual exploitation of a client by a past therapist it must be reported to the appropriate agencies. Each of these breaches of confidentiality should be thoroughly documented in the file. As a condition of your employment, you will agree not to directly or indirectly disclose any client information without proper authorization. You must further agree with the following conditions:

- ◆ To avoid any action or omission that will provide confidential information to any unauthorized individual or agency.
- ◆ To review counseling records or files insofar as the job requires.
- ◆ Copies of any or part of a client's record will be provided only with a signed request in compliance with state and federal statutes.
- ◆ Do not remove any confidential information from the Counseling Center.
- ◆ Do not discuss in any manner, with any unauthorized person, information that would lead to identification of clients receiving services at the Counseling Center.
- ◆ Do not provide your computer password(s) to any unauthorized person.

Any unauthorized disclosures may result in appropriate disciplinary action up to and including oral or written warnings, suspension, termination, and/or the notification of appropriate licensing or law enforcement authorities.

## **Maintenance of Psychological Records**

Mental Health professionals maintain records for a variety of reasons, the most important of which is the benefit of the client. Records allow a therapist to document and review the delivery of psychological services and can provide a history and current status in the event that a client seeks psychological services from another mental health professional.

Conscientious record keeping may also benefit psychologists themselves, by guiding them to plan and implement an appropriate course of psychological services, to review work as a whole, and to more actively self-monitor. Maintenance of appropriate records are relevant for a variety of other institutional, legal and ethical purposes.

In accordance to Texas state law and applicable professional standards regarding the maintenance of psychological records, the UTD Student Counseling Center does the following:

All records are kept in the client file room in the Records Room. All staff and trainees are expected to return all client files to the Records Room at the end of their workday. Recording of individual sessions may be kept in the Supervision file on the G drive, and should be titled with the date and the clients initials. Because of potential ethical and legal concerns, UTD Counseling Center policy does not permit files to be removed from the Counseling Center. For the purpose of training, copies of the recordings may be taken off site for the sole purpose of supervision at a trainee's home institution. Recordings must be promptly returned and DVDs should be consistently erased in order to protect client confidentiality. As part of the center closing procedure, all client file cabinets are locked as well as the Records Room.

### **Temporary File Maintenance**

In order to keep our files up-to-date, the Counseling Center will manage files as follows:

- If a client returns after an termination, the initial file label will be replaced to indicate the date the client returned.
- When terminating a clients file, move file from counselor section into the third drawer of the filing cabinet. At the end of the academic year in August, all terminated files are moved from the third and fourth drawer of the filing cabinet into the horizontal filing cabinets that are located in the kitchen. If the student returns, the file is moved back to the current top drawer file.
- Once an individual has not used the services of the Student Counseling Center for one full semester or is no longer classified as a UTD student, the records will be placed in an inactive file.

## **Permanent File Maintenance**

- All records, active and inactive, are maintained safely, with limited access and ease of accessibility.
- Client files are kept in a locked file cabinet, inside a locked file room.
- Complete records are maintained for 10 years after the last contact with the client.
- After 10 years, the entire client file is shredded and discarded.

## **Legal Aspects of Client Records**

The Texas Open Records Law has been adjusted to conform to The Family Rights and Privacy Act: Public Law 93-380 (better known as the Buckley Amendment). Therefore, all medical and psychological records are considered confidential and exempt from open review. However, these records can still be subpoenaed through judicial action. Because of this, it is important to qualify all statements that are written about your clients. Any impressions should be preceded by such phrases as “in my opinion”, “it is my judgment that”, or “appears to be,” etc.

Counseling records might be made available to persons in authority without the written consent of the student only if the knowledge of such information is necessary. Instances include protection of a client at risk of imminent harm to self or others; abuse of a minor, elderly person or a disabled person; known or suspected sexual exploitation of a client by a past therapist.

The first course of action should always be working with your client to obtain authorization to release information. However, if this is not possible, factors which should determine whether records may be released without consent include the following:

1. The extent of the threat to the safety of the student, other persons, or child.
2. The need for such records to meet the emergency.
3. The extent to which time is of the essence in dealing with the emergency.

Any decision by a trainee to release records without written consent must be approved by the supervisor or senior staff member.

Counseling records that remain in an inactive file for a period of ten years will be destroyed.

While these procedures do not follow some parts of the Texas Mental Health Confidentiality of Information-Professional Consultation Act, they represent prudent and

ethical treatment. In the opinion of a number of attorneys these procedures should be justifiable and supported as such in a court of law.