Record Keeping Guidelines

Drafted by the Committee on Professional Practice & Standards,

A committee of the Board of Professional Affairs

Adopted by the Council of Representatives,

February 1993

Introduction


These guidelines are aspirational and professional judgment must be used in specific applications. They are intended for use by providers of health care services. The language of these guidelines must be interpreted in light of their aspirational intent, advancements in psychology and the technology of record keeping, and the professional judgment of the individual psychologist. It is important to highlight that professional judgment is not preempted by these guidelines; rather, the intent is to enhance it.

Underlying Principles and Purpose

Psychologists maintain records for a variety of reasons, the most important of which is the benefit of the client. Records allow a psychologist to document and review the delivery of psychological services. The nature and extent of the record will vary depending upon the type and purpose of psychological services. Records can provide a history and current status in the event that a user seeks psychological services from another psychologist or 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 self-monitor more precisely.

Maintenance of appropriate records may also be relevant for a variety of other institutional, financial, and legal purposes. State and federal laws in many cases require maintenance of appropriate records of certain kinds of psychological services. Adequate records may be a re-
requirement for receipt of third party payment for psychological services.

In addition, well documented records may help protect psychologists from professional liability, if they become the subject of legal or ethical proceedings. In these circumstances, the principal issue will be the professional action of the psychologist, as reflected in part by the records.

At times, there may be conflicts between the federal, state or local laws governing record keeping, the requirements of institutional rules, and these guidelines. In these circumstances, psychologists bear in mind their obligations to conform to applicable law. When laws or institutional rules appear to conflict with the principles of these guidelines, psychologists use their education, skills and training to identify the relevant issues, and to attempt to resolve it in a way that, to the maximum extent feasible, conforms both to law and to professional practice, as required by ethical principles.

Psychologists are justifiably concerned that, at times, record keeping information will be required to be disclosed against the wishes of the psychologist or client, and may be released to persons unqualified to interpret such records. These guidelines assume that no record is free from disclosure all of the time, regardless of the wishes of the client or the psychologist.

1. Content of Records

   a. Records include any information (including information stored in a computer) that may be used to document the nature, delivery, progress, or results of psychological services. Records can be reviewed and duplicated.

   b. Records of psychological services minimally include (a) identifying data, (b) dates of services, (c) types of services, (d) fees, (e) any assessment, plan for intervention, consultation, summary reports, and/or testing reports and supporting data as may be appropriate, and (f) any release of information obtained.

   c. As may be required by their jurisdiction and circumstances, psychologists maintain to a reasonable degree accurate, current, and pertinent records of psychological services. The detail is sufficient to permit planning for continuity in the event that another psychologist takes over delivery of services, including, in the event of death, disability, and retirement. In addition, psychologists maintain records in sufficient detail for regulatory and administrative review of psychological service delivery.

   d. Records kept beyond the minimum requirements are a matter of professional judgment for the psychologist. The psychologist takes into account the nature of the psychological services, the source of the information recorded, the intended use of the records, and his or her professional obligation.

   e. Psychologists make reasonable efforts to protect against the misuse of records. They take into account the anticipated use by the intended or anticipated recipients when preparing records. Psychologists adequately identify impressions and tentative conclusions as such.

2. Construction and Control of Records

   a. Psychologists maintain a system that protects the confidentiality of records. They must take reasonable steps to establish and maintain the confidentiality of information arising from their own delivery of psychological services, or the services provided by others working under their supervision.

   b. Psychologists have ultimate responsibility for the content of their records and the records of those under their supervision. Where appropriate, this requires that the psychologist oversee the design and implementation of record keeping procedures, and monitor their observance.

   c. Psychologists maintain control over their clients' records, taking into account the policies of the institutions in which they practice. In situations where psychologists have control over their clients' records and where circumstances change such that it is no longer feasible to maintain control over such records, psychologists seek to make appropriate arrangements for transfer.

   d. Records are organized in a manner that facilitates their use by the psychologist and other authorized persons. Psychologists strive to assure that record entries are legible. Records are to be completed in a timely manner.

   e. Records may be maintained in a variety of media, so long as their utility, confidentiality and durability are assured.

3. Retention of Records

   a. The psychologist is aware of relevant federal, state and local laws and regulations governing record retention. Such laws and regulations supersede the requirements of these guidelines. In the absence of such laws and regulations, complete records are maintained for a minimum of 3 years after the last contact with the client. Records, or a summary, are then maintained for an additional 12 years before disposal.4 If the client is a minor, the record period is extended until 3 years after the age of majority.

   b. All records, active and inactive, are maintained safely, with properly limited access, and from which timely retrieval is possible.

4. Outdated Records

   a. Psychologists are attentive to situations in which record information has become outdated, and may therefore be invalid, particularly in circumstances where disclosure might cause adverse effects. Psychologists ensure that when disclosing such information that its outdated nature and limited utility are noted using professional judgment and complying with applicable law.
b. When records are to be disposed of, this is done in an appropriate manner that ensures nondisclosure (or preserves confidentiality) (see Section 3a).

5. Disclosure of Record Keeping Procedures

a. When appropriate, psychologists may inform their clients of the nature and extent of their record keeping procedures. This information includes a statement on the limitations of the confidentiality of the records.

b. Psychologists may charge a reasonable fee for review and reproduction of records. Psychologists do not withhold records that are needed for valid healthcare purposes solely because the client has not paid for prior services.

REFERENCES

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