

**POLICE PSYCHOLOGICAL SERVICES
SECTION**
International Association of Chiefs of Police

October, 2003

GREETINGS FROM THE CHAIR

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This year's schedule change has provided some challenges to our meetings and the education agenda and the somewhat compressed schedule presents some scheduling challenges. Thanks to Kim for keeping me straight on the conference schedule and reminders that I needed to reduce the possibility of conflicts with other meetings. I hope you have taken advantage of the on-line schedule maker (*My Itinerary*) provided on the IACP web site. This is an absolutely wonderful addition to planning and it is available to you from any Internet connection. Check it out! <http://iacp.expoexchange.com/>

Also, I hope each of you have located the Section agenda on the IACP web site. Thanks again to Kim for getting this up and running. In case you missed it. http://theiacp.org/div_sec_com/sections/Agenda%20Psychological%202003.pdf

Enclosed is information for your review prior to arrival in Philadelphia. I hope that having these in advance will expedite our business meeting discussions. Enclosed you will find a copy of proposed changes to the membership section of the constitution that we will consider on Saturday. This amendment is modeled after the IACP membership requirements and my goal is to expand our membership to meet our future challenges. I will present my detailed objectives during the Saturday business meeting. This newsletter additionally contains information related to the PEPSA and HIPAA reports that will be delivered on Friday. I have also enclosed a listing of all guideline revision committee members for your

reference. Committee Chairs will be reporting on their respective committee progress in the business meeting.

Finally, the following is the text of a letter forwarded on behalf of the entire Section to the family of Ted Blau:

March 4, 2003

*The family of Dr. Theodore H. Blau
Tampa, FL*

To the family, friends, and colleagues of Dr. Theodore Hertzl Blau:

A tribute to a legend ... The membership of the Police Psychological Services Section of the International Association of Chiefs of Police (IACP) wishes to extend our sincere condolences to the family, friends, and colleagues of noted clinical and forensic psychologist, Theodore "Ted" Blau, who recently lost his lengthy battle with cancer. Dr. Blau will be remembered for the significant contributions he made to the field of psychology. He devoted his life's works to his fellow man, determined to "make a difference." The IACP Psychological Services Section would like to take this opportunity to pay tribute to Dr. Blau, by honoring and recognizing his contributions to the disciplines of assessment, child psychology, psychotherapy, behavior modification, cognitive development, police psychology, consultations, and professional development.

In the words of Ralph Waldo Emerson,

*To laugh often and much;
To win the respect of intelligent people
And the affection of children,
To earn the appreciation of honest critics
And endure the betrayal of false friends;
To appreciate beauty, to find the best in others,
To leave the world a bit better,
Whether by a healthy child, a garden patch,
Or a redeemed social condition;
To know even when one life has breathed easier
Because you lived
This is to have succeeded.*

Dr. Theodore Blau reached the pinnacle of success! On behalf of our community, and the community at-large, the IACP Psychological Services Section pays tribute to Dr. Blau for his successes and truly "making a difference" for all. We bid a fond farewell to Dr. Theodore Blau, with heartfelt thanksgiving for the blessing of his life.

EDUCATIONAL SESSIONS

I am personally delighted with the aggressive agenda Guy has put together. This year's education agenda is packed with priceless information. Our chiefs and sheriff's are facing increasing demands for service in ways we would not have imagined 10 years ago. The focus on *Families of Police Executives* is a perfect beginning to our meetings. Continuing with the service orientation, our next speakers will address changes in hiring practices and specialty hiring. I am especially proud to have our first student presenter. Mr. Steven Hane from Marymount University who will discuss *Police Stress Related to Domestic Violence within Police Families*. I have also encouraged Steven to network with the membership following his presentation.

Saturday will be equally busy with a full slate of activities beginning with two exceptional presentations on *Psychological Support for Police Operations*. Whether you are starting a new shop or taking over an established psychological services practice, *Reinventing Psychological Services Units*, will spark our interests and provide valuable advice to all. Fitness for duty examination has been compared to child custody cases. Many would prefer to avoid the legal, ethical, and medical web of difficulties of these most difficult cases. I am confident our speakers will resolve many of our concerns and improve service. Saturday afternoon will be one of my favorites. We will experience our annual awaking to the legal world around us and then move right into ethical dilemmas facing our profession.

PEPSA

At the 2002 IACP PPS meeting, a committee was formed to investigate the practices of the membership in conducting psychological evaluations for police specialty assignments (PEPSA), and to report back to the membership at the 2003 meeting. A survey was sent to 122 members of the section and 53 members replied. Over three-quarters of the respondents (77.4%) have performed or participated in formal psychological evaluations of law enforcement candidates for specialty assignments. These psychologists provided information about their protocol, types of assignments evaluated, nature of their feedback to the referring agency, and other practices related to PEPSAs. The full results of the survey will be presented to the membership at the lunch/business meeting on Friday, October 24, 2003.

HIPAA

Dave Hill's draft report on HIPAA, dated February 12, 2003 follows. An update will be presented at the conference.

HOW DOES HIPAA APPLY TO POLICE PSYCHOLOGY?

At our meeting in Minneapolis last October, I volunteered to gather some information on how HIPAA (Health Insurance Portability and Accountability Act) applies to the practice of psychologists who work with law enforcement and other public service agencies. As a convenience, I will use the term "police psychology" in this discussion even though I know there is a wide variation of practice among our members. I received specific questions from two members of our group that helped guide my thinking on the HIPAA issues. I consulted with Dr. Eric Harris, a psychologist/attorney who provides risk management consultation through the APA Insurance Trust. I asked Dr. Harris for his opinion on the general issue of how HIPAA applies to police psychology and in response to the specific questions raised by the two members of our group. I also have had the very able assistance of Dr. Phil Trompetter and Dr. David Corey who have discussed these findings with me and made suggestions of their own.

Here are my findings. Please read this complete document since HIPAA will present some challenges to Police Psychologists.

OVERVIEW OF WHAT IS KNOWN ABOUT HIPAA COMPLIANCE REQUIREMENTS:

- The HIPAA Privacy Rule was promulgated by the U.S. Department of Health and Human Services (HHS) to ensure a minimum level of privacy protection for health care information, when that information is electronically transmitted for insurance purposes. The compliance date for the Privacy Rule is April 14, 2003. The HIPAA Privacy Rule establishes a patient's rights in the disclosure and use of his/her health care information. Complying with the HIPAA Privacy Rule becomes even more complex for psychologists because the laws regarding disclosure of health care information vary state-by-state.
- Dr. Harris stated that at this point no one knows for certain how HIPAA regulations regarding the Privacy Rule will be interpreted and enforced after they go into effect. He explained that the regulations are highly technical and vague. At this point HHS has not provided clear guidelines as to how psychologists and other health-care providers can meet the specific regulations. However, Dr. Harris went on to say that the fact that the federal government has taken a new position on privacy means that

- HIPAA will "set the standard" for protection of privileged health care information in the future. Therefore, in the absence of clear guidelines as to how we should specifically meet each of the defined requirements in HIPAA, we need to familiarize ourselves with the general provisions of HIPAA and make a "good faith" effort at compliance until legal opinions and other experience further clarify compliance issues. Dr. Harris stated that we should view HIPAA as a "bureaucratic" requirement more than a requirement that threatens civil or criminal penalties. He stated that civil or criminal liability is very limited for "mistakes" when we are making a good faith effort to comply. The only HIPAA violations that would carry the threat of severe penalties would be instances in which a health-care provider used privileged health information for "profit and gain".

RECOMMENDATIONS FOR HIPAA COMPLIANCE BY POLICE PSYCHOLOGISTS:

- If you do only police psychology work (i.e., I/O psychology) where you do not directly provide any counseling or psychotherapy as part of your police psychology practice, you are not covered under HIPAA. This is because you are only covered by HIPAA when you electronically transmit data in a covered transaction, meaning a transaction with an insurance company. Therefore, HIPAA has no direct effect on typical police psychologist activities such as pre-employment psychological screenings, fitness for duty evaluations, or critical incident stress management if there is no electronic submission in a covered transaction. Thus, if you do not send anything electronically (report or bill), and do not bill a covered entity (i.e., insurance), HIPAA does not directly apply and you would not be expected to comply with HIPAA regulations. However, even if a police psychologist does not have to be HIPAA compliant, there may be some "interface" with other providers who are required to comply with HIPAA. For example, if in the process of doing pre-employment evaluations, fitness for duty evaluations, critical incident stress management, etc. a police psychologist needs to get health care records from other providers, she/he may need to ensure that the authorizations (release of information forms) used to request those records are HIPAA compliant in order for the other health care provider to be able to forward information. Therefore, even if a police psychologist is excluded from HIPAA compliance, it still seems advisable that we all become educated about HIPAA.
- If the police psychologist has a "mixed" practice in which she/he provides both "police psychology" services as described above and also provides psychotherapy, the psychotherapy practice and police psychology practice should be separated into two distinctly different businesses by using different names, different accounting, different billing, etc.

- However, if the police psychologist has a clinical psychotherapy practice, for which she/he bills insurance, and a police psychology psychotherapy practice, for which she/he bills a law enforcement agency, the conservative advice would be to merge them and bring all psychotherapy practice into compliance with HIPAA. Again, a police psychologist might be able to separate the two if she/he created two distinctly different businesses with different names, different billing and accounting, etc. But Dr. Harris' opinion is that it probably won't fly to argue that the only difference is that insurance is billed for one type of psychotherapy practice and law enforcement agencies are billed for the other type of psychotherapy practice, but the activity is the same.

**RESOURCES FOR GETTING EDUCATED ABOUT HIPAA
AND ITS IMPACT ON YOUR PRACTICE:**

- **APA Portal:** If you are an APA member and pay the special assessment you have free access to the APA portal at apapractice.org and can get HIPAA information there. APA offers a product called HIPAA for Psychologists that can be purchased on the portal. This product features:
 - A step-by-step guide to becoming HIPAA compliant
 - State-specific, customized compliance forms, policies and explanations
 - Easy-to-use online and CD-ROM versions
 - Continuing education credits and a discount on Trust-sponsored Professional Liability Insurance for successfully completing the course and passing the exam.

HIPAA for Psychologists is priced at \$175.00 for special assessment payers. The cost is higher for non-special assessment payers. It is available on CD-ROM for an additional fee.

- **APA Insurance Trust (APAIT):** If you have your malpractice coverage through the APAIT you can go to the website at apait.org and get information on HIPAA and information about how to reach Dr. Harris if you would like a private phone consult with him. If you don't have your insurance through APAIT, your malpractice carrier might have a similar service.
- **Other HIPAA training:** There are various attorneys and other groups offering HIPAA training. Psychologists need to be aware that attorneys who offer HIPAA training often have large business or medical practices as their target audience and what they have to say might not necessarily be applicable to psychological practice.
- **Consult privately with a health care attorney who is familiar with HIPAA and familiar with psychological practice.**

I hope this information is helpful. As noted above, Dr. Harris stated that he considers HIPAA to involve more bureaucratic changes than substantial changes to how we practice. The way HIPAA provisions will apply varies somewhat from state to state. My experience as a HIPAA trainer is that sharing information about HIPAA sometimes raises more questions than it answers. However, if you have questions please post them to the listserv or contact me personally and I will try to answer them, or try to help you brainstorm to find an answer. We could also discuss HIPAA further at our meeting next October in Philadelphia. The HIPAA regulations officially go into effect on April 14, 2003. However, we shouldn't expect the "HIPAA Police" to be out looking for noncompliance and we can still benefit from the additional information that we can gather by that time.

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NETWORKING

John Nicoletti is putting together a dinner on Friday evening at the Marriott near the convention center. Confirmed reservations are necessary in advance so contact John if you will be joining us.

**Reservations must be made with John no later than October 17, 2003
Call John at 303-989-1617 or email at jpsych46@aol.com**

BUSINESS MEETINGS

Don't forget the Section business meetings. We have two scheduled meetings, one of Friday and one on Saturday.

**PHILADELPHIA CONFERENCE
BUSINESS MEETING AGENDA
ROOM 108B
FRIDAY OCTOBER 24, 2003
11:30 AM – 1:00 PM**

Bring Your Own Lunch. On Friday the schedule will be modified somewhat to accommodate reports from Phil Trompetter and Dave Hill. Please bring your brown bag lunch for the meeting and reports scheduled from 11:30 am-1:00 pm. This was originally scheduled as committee meetings and lunch from 11:30 – 12:30 and a business meeting from 12:30-1:00. All section members should

attend. On Saturday afternoon we will have our second section business meeting from 4:00 pm – 5:00 pm. The agenda below outlines meeting objectives.

**PHILADELPHIA CONFERENCE
BUSINESS MEETING AGENDA
108B
SATURDAY OCTOBER 25, 2003**

4:00 PM CALL TO ORDER

MINUTES FROM 2002 MEETING:

- (see newsletter December, 2002 on website)

OLD BUSINESS FROM 2002 MEETING:

- Discussion of listserv chat's led to formation of a committee to look at special teams assessment.
- Discussion of HIPPA requirements for police psychology led to David Hill volunteering to investigate and report to membership through the listserv and at the 2003 conference.
- A spirited discussion of future workshops on ethics, trauma, and taking care of our own highlighted the business meeting resulting in a recommendation for the Education Chair to consider for 2003 conference.
- Guy Seymour was nominated and appointed to serve as liaison to the Victim Services Committee. Guy will attend committee meetings and report to membership.
- Discussion surrounding the proposed dates for the 2003 conference led to a vote in favor of holding the section meetings on Friday and Saturday if approved by IACP.
- Annual meeting closed with the election of new officers.
- Old business items are listed as reference only and may not need further discussion.

COMMITTEE REPORTS:

Guideline Committee Chairs (see attached)

- *Officer Involved Shootings*, Gary Kaufmann & Gary Aumiller
- *Fitness for Duty*, Phil Trompetter & Dave Corey
- *Pre-Employment*, Susan Saxe-Clifford & Steve Curran

LIAISON REPORTS

- Guy Seymour, Victim Services Committee

NEW BUSINESS FOR 2003 MEETING:

- Constitutional Amendment
- Awards Committee
- From the floor

5:00 PM ADJOURN

Please call me if you have any concerns, I will be arriving in Philadelphia on Wednesday and can be reached on my cell phone listed below.

See you in Philly!

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