

## PSYCHOTHERAPY NOTES AND REIMBURSEMENT CLAIMS

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NASW receives frequent telephone calls and e-mail inquiries from members about the differences between psychotherapy notes and progress notes when seeking reimbursement. Confusion centers around the content of these two types of notes, especially when submitting claim information for reimbursement of mental health and behavioral health services.

Since psychotherapy notes are protected under the HIPAA Final Privacy Rule, 45 CFR Section 164.501, Medicare and other third-party payers may not deny a claim for psychotherapy services on the basis that the clinical social worker failed to produce psychotherapy notes on a claim request for reimbursement. However, they may deny the claim if supplied information does not demonstrate that services were necessary. Clinical social workers may submit progress notes which should demonstrate services provided.

### Definitions

The Privacy Rule defines psychotherapy notes as “notes recorded by a mental health professional which document or analyze the contents of a conversation during a private counseling session, group, joint, or family counseling session and are separated from the rest of the individual’s medical record.” Clinical social workers and other providers are exempt from submitting psychotherapy notes without patient authorization when the notes in question fit this definition. Psychotherapy notes exclude the following:

1. Medication and prescription monitoring
2. Counseling session start and stop times
3. Types and frequencies of treatment
4. Results of clinical tests
5. Any summary of the patient’s diagnosis, functional status, treatment plan, symptoms, and progress to date.

Progress notes include all of the above “exclusions” from psychotherapy notes plus referrals to community resources, lifestyle changes, preventive services, and coordination of care with other relevant health care providers. Patient authorization is not required by the HIPAA Privacy Rule for the release of information excluded from the definition of psychotherapy notes. However, state social work laws generally require consent for disclosure of confidential information, as does the NASW *Code of Ethics*.

### Claim Clarification

Clinical social workers should carefully consider whether to integrate psychotherapy notes and progress notes into one document. Doing so does not transform the “non-protected” progress notes into the “protected” psychotherapy notes. For reimbursement purposes, should both notes be combined as one, it is the clinical social worker’s responsibility to extract the necessary information required to process a claim. The best practice is to keep the psychotherapy notes separated from the patient’s record for heightened privacy protection under HIPAA. This also permits smooth processing of reimbursement through the use of proper progress notes.

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### RESOURCES

Department of Health and Human Services. (2002, August 14). Standards of privacy of individually identifiable health information. [Online.] *Federal Register* (45 CFR Parts 160 and 164). Available at: <http://www.hhs.gov/ocr/hipaa/privrulepd.pdf>

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