

## DC Mental Health Coalition Protects Patient Confidentiality

By Barry J. Landau, MD, Chair WPS  
Legislative Subcommittee on  
Confidentiality and Regulatory Affairs

The Coalition for Confidentiality of Greater Washington, co-chaired by Elizabeth Hersh, MD and me, represents a number of mental health professional organizations, including WPS. The Coalition has been working with DC Insurance Commissioner, Lawrence Mirel and his deputy Katherine Rickford for over two and a half years in regard to the DC Confidentiality Law (The Mental Health Information Act of the District of Columbia, authored in part by WPS member, Harold Eist, MD and WPS Counsel, Armin Kuder, JD). This work has included Coalition members, as well as medical directors of a number of insurance companies that operate in the District, participating in a series of face-to-face meetings, which have been arranged and presided over by Commissioner Mirel and Ms Rickford.

This Law has become increasingly important, not only in support of the practice of confidential psychotherapy in the District but also nationally. The reason for this is as follows:

When the HIPAA privacy rule was created in 2003, the HIPAA authors took note of the psychotherapist/patient privilege, established by the U.S. Supreme Court in

the 1996 Jaffee v. Redmond case. The Department of Health and Human Services (HHS) acknowledged in the HIPAA privacy law that psychotherapy notes require a higher level of confidentiality than general medical records. As a result, HIPAA says that psychotherapy notes may not be released without patient permission and that third party payers may NOT condition payment of claims based on the disclosure of psychotherapy notes. Further, HHS invited the participation of individual clinicians and professional organizations to define "psychotherapy notes," as well as what is the minimum necessary information (and, therefore, the maximum allowable information) that may be released to third party payers. It was on this basis that the American Psychiatric Association created the Minimum Necessary Guidelines, which permit disclosure of diagnostic information and information that describes the nature of the treatment, but preserves the confidentiality of material considered to be part of the psychotherapy notes. These guidelines were, in large measure, based on the DC Confidentiality Law. Thus, what is at stake in the work at Commissioner Mirel's office is the definition of what kinds of information may be kept confidential in a psychothera-

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peutic treatment paid for by third party payers, not only in Washington, DC but, by extension, in the rest of the country as well.

The DC Law is divided into two parts. The first part indicates the limits of what information may be disclosed, with patient authorization, for routine claims review. The second part of the Law indicates a confidential independent mental health review process that can be used if an insurance company believes it needs a more comprehensive assessment than would be possible in a routine claims review.

At present, we are working on the first part of the law, with regard to the routine claims review. The law

*continued on page 7*

# The President's Column



By  
F. Rodney Drake,  
Jr., MD, DLFAPA,  
President

## Energy, Dedication, Vision Are Hallmarks of WPS

I thank you, the members of WPS, for giving me the opportunity to serve as your president this year. I am fortunate to follow in the footsteps of our two most recent presidents, Jeffrey Akman, MD, FAPA and Catherine May, MD, FAPA. I greatly appreciate their outstanding leadership and support.

A WPS member for 20 years, I was not politically active until you voted me president-elect in 2003. Because I am new to this arena, I felt it would be helpful to you for me to provide a background statement. I completed training in general psychiatry and a fellowship in child and adolescent psychiatry. I am board certified in both. Additionally, I am a graduate in adult and child psychoanalysis. My leadership positions have included: Chief of Neuropsychiatry at U.S. Army Hospital, Camp Zama, Japan (1970-73); Chief of Child and Adolescent Psychiatry at Walter Reed (1980-84); Consultant to the U.S. Army Surgeon General while on active duty at the Pentagon in Child Psychiatry and in Drug and Alcohol Abuse (1985-89); Medical Director of adolescent residential treatment center (early 1990s); Assistant Medical Director of Champus (Mental Health Division 1989-92). My previous presidencies have been: of the Baltimore-Washington Society for Psychoanalysis (1999-2000) and of the Washington Council for Child and Adolescent Psychiatry [now the Child and Adolescent Psychiatry Society of Greater Washington] (1996-98). I have served as the

psychiatric consultant to the Sidwell Friends Upper School in Washington, DC for the past six years. My teaching responsibilities include serving as Senior Consultant to Walter Reed Army Medical Center Department of Psychiatry and as clinical faculty to the Georgetown Department of Psychiatry. I am in full-time private practice of child and adult psychotherapy and psychoanalysis.

The WPS Board of Directors consists of 35 members representing the constituencies of the Society. A diverse group, they are uniformly bright, dedicated, enthusiastic and focused on providing maximum benefits to our membership. My presidential agenda for us includes:

- Achieving maximum benefit in transitions from one presidency to the next. I have met with Drs. Akman and May and with President-Elect David Fram, MD, DLFAPA. These meetings were focused, supportive and WPS-centered; the camaraderie was excellent.
- Improving our financial health. In the past few years we have used our reserve fund at the end of each year to balance the budget. We can not survive many more years of doing this. I have asked the appropriate officers to look closely at our spending, bring in under control and stop drawing down our reserve. Already these leaders have generated ideas that will be helpful.
- Growing our membership. Our membership stands at 953, making us the ninth largest District Branch in the APA. Yet, nearly 1,000 psychiatrists in our area are NOT members. Our Board is developing ways of reaching out to this group. We would like to see 100 new members by the end of fiscal 2005 (May). Your help in this regard is essential. I have called Jay Scully, MD the APA Medical Director and Carolyn Robinowitz, MD APA Treasurer and local practitioner of



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- adult and child psychiatry, to give of their hard-pressed time to meeting with various groups of non-members with me.
- Member participation. I want to set up a Town Meeting of WPS this year to meet with all interested members to discuss topics of any size and shape.
  - Expanding coverage in *WPSNews*. I would like to see the Society's newsletter express views from the membership through Letters to the Editor. I also want the components of the Board to have their voices heard regularly through newsletter columns, as well as columns from our lobbyists in Richmond and Annapolis.
  - Promoting APA Fellowship status. One hundred ninety of you received a letter and application for FAPA status. This is a prestigious honor and you have earned it. I encourage you to apply and use the FAPA designation on your stationery and business cards.

*continued on page 8*

## Letters-to-the-Editor

### A Column's Worth of Controversy

I was disturbed by the polemical tone of the President's Column in the May-June 2004 issue of the Newsletter. I would like to know if, in fairness, you intend to provide equal space to members who may not share Dr. Akman's political views. I would also ask whether you feel it appropriate for the official newsletter of a scientific, medical organization to publish a column advancing partisan, political positions on controversial issues and personalities. I bear Dr. Akman no ill will; but I question his judgment in using his position as president of the WPS to promote what are, after all, his personal, political opinions.

Lawrence P. Kenny, MD

I was surprised to see Dr. Akman's political commentary, under the transparent guise of a discussion on health care funding issues. Would the WPS publish a "Presidential Column" lambasting politicians who condone abortion, discrimination against homosexuals, the death penalty, etc.? It would not and it should not. These are not psychiatric issues, but political and social issues about which we have no special expertise. Offering value judgments couched as professional opinions undermines our credibility.

Carol B. Perez, MD

Kudos to Dr. Jeff Akman for his leadership of WPS over the last year, and for his courage in speaking out in his last column. I am impressed that he has been able to read so many challenging books while steering WPS and being Chair of his

Department. These were not books of political pundits or Democratic critics, but well-respected journalists and government officials who felt the need to speak out about the glaring discrepancies in the way the current administration has waged war and conducted our foreign policy. It seems almost unpatriotic or even subversive to speak publicly about these issues, because of the current siege mentality and heightened security since 9/11. But in fact this government has much to answer for, and no one is calling them on it. This administration has also done nothing to repair the broken medical or mental health system in this country, and is not likely to if re-elected. That is why it is important for psychiatrists and others to stand up and point out this failure and hypocrisy, so that our patients will have a chance for better care.

Daniel W. Hicks, MD ■

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# Obituary

## Philip F.D. Rubovits-Seitz, MD

Philip F.D. Rubovits-Seitz, MD, 83, a leading researcher and author in the field of psychoanalysis died of pneumonia on May 31 at Sibley Hospital. He is survived by his wife Randi Rubovits-Seitz, MD.

Dr. Rubovits-Seitz was among the generation of psychoanalysts trained by the students of Anna Freud. He established himself as a pre-eminent authority in the area of clinical interpretation within the Freudian framework.

Born in Evansville, IN, he was educated in medicine and psychiatry at the University of Pennsylvania School of Medicine, receiving his MD degree in 1944. He served his internship at the St. Louis City Hospital. Following his 1948 discharge at the rank of captain from the U.S. Army Medical Corps, he accepted a faculty position at the Indiana University Medical Center in Indianapolis where he also served as Director of Psychiatric Research from 1949-54. His experimental research on the substitution of symptoms by hypnosis in this period led the American Psychiatric Association to grant him its prestigious Hofheimer Award for Psychiatric Research in 1955.

During the social upheavals of the mid-1960s, Rubovits-Seitz became increasingly interested in treating mentally ill adolescents, many of whom were drug users and alienated from their parents and their parents' generation. He became known as the "hip shrink" and had a natural talent for working with this population. After 1966 he dedicated himself to solo clinical practice and research.

Dr. Rubovits-Seitz relocated to Washington, DC in 1976 with his third wife, Randi Rubovits-Seitz, MD. He joined the Washington Psychoanalytic Society and became Clinical Professor of Psychiatry at the George Washington University School of Medicine. His research activity garnered him the Washington

Psychoanalytic Society's 1985 Annual Research Award. Also in 1985, his exemplary teaching earned him the George Washington University Department of Psychiatry's Clinical Faculty Teaching Award. In 1987 he was co-recipient of the Herman M. Serota Foundation's award for research in psychoanalytic reconstructions.

After his retirement from practice and teaching in 1991, he enjoyed a decade of research writing. During retirement he published four books: *Depth-Psychological Understanding: The Methodologic Grounding of Clinical Interpretations* (1998), *Kohut's Freudian Vision* (1999), *The Interpretive Process of Clinical Practice* (2001) and *A Primer of Clinical Interpretations* (2002). He also published numerous peer-reviewed journal articles, including one that received the Best Paper Award for 1992 from the *American Journal of Psychiatry*. In the course of his career Dr. Rubovits-Seitz published over 60 articles in peer-reviewed psychiatry and psychoanalytic journals.

Dr. Rubovits-Seitz was a man a many interests and talents. He loved music, and played and composed for the piano. He enjoyed golf, tennis and handball. His consummate athletic interest was motorcycling. He competed successfully in both English trials and enduro and toured the East Coast by bike with wife, Randi.

Dr. Rubovits-Seitz's marriages to Elaine Good and Genevieve Gordon ended in divorces. He is survived by his wife of 27 years, Randi Rubovits-Seitz, MD, three children by his first marriage, four grandchildren, one great-grandchild, and two sisters and a brother.

## Bennett Olshaker, MD, DLFAPA

Bennett Olshaker, 82, a retired child psychiatrist, author, educator and consultant died of cancer March 8, 2004 at Sibley Memorial Hospital.

In private practice for over 40 years, Dr. Olshaker also spent three years as a full-time staff member at St. Elizabeths Hospital, consulted for the DC Department of Public Health and taught at the George Washington University as a clinical faculty member.

A Bethesda resident, he was born in Baltimore and raised in Mount Vernon, NY and Washington, DC. He received his undergraduate and medical degrees from the George Washington University. Dr. Olshaker interned at Fordham Hospital in New York City. He then entered the U.S. Army Medical Corps, serving with the 24<sup>th</sup> Infantry Division in Kyushu, Japan during the Allied occupation at the end of World War II.

In 1948 he did a residency in pediatrics at Children's Hospital and while practicing as a pediatrician, became a fellow in child psychiatry at Children's. He completed a psychiatry residency at St. Elizabeths.

Dr. Olshaker, authored two books on child raising, *What Shall We Tell the Kids?* (1971), a guide for parents on ways to discuss life issues such as adoption, divorce, hospitalizations, sex, religion and death, and *The Child as a Work of Art* (1975) which detailed his philosophy on raising children in a contemporary world. In the 1950s he published an illustrated children's book, *Tommy's Tonsillectomy*, as a way to help parents prepare children for the experience of hospitalization.

He was a Distinguished Life Fellow of the American Psychiatric Association, and a Life Fellow of the American Academy of Child and Adolescent Psychiatry and the American Academy of Pediatrics.

Survivors include his wife of 57 years, Thelma A. Olshaker of Bethesda, three sons, a brother, a sister and two grandchildren. ■

## CME Committee Presents Glen Gabbard, MD "Mind, Brain and Personality Disorders" on September 9 and "Update on Interface of Psychiatric and Somatic Medicine" September 18

By Daniel W. Hicks, MD, Chair CME  
Committee

The Washington Psychiatric Society's Committee on Continuing Medical Education has two outstanding events coming up in September. Mark your calendars now and register to attend.

On Thursday September 9, 6:30-9:30 we will hear Glen Gabbard, MD of the Baylor College of Medicine, Houston, TX discuss "Mind, Brain and Personality Disorders." This event is scheduled for Maggiano's Little Italy, 5333 Wisconsin Ave, NW in Washington, DC.

Dr. Gabbard is the Brown Foundation Chair of Psychoanalysis, Professor of Psychiatry and Director of the Baylor Psychiatry Clinic at the College of Medicine. He has authored or edited 17 books including Psychodynamic Psychiatry in Clinical Practice, 3<sup>rd</sup> Edition and Love and Hate in the Analytic Setting. Dr. Gabbard has received

numerous awards, including the APA Distinguished Service Award in 2002 and the Psychiatric Times Teacher of the Year Award in 1992.

Please use the registration form on this page to reserve your place on September 9. The event is free for WPS members, \$60 for non-members. This educational program is supported by unrestricted educational grants from Abbott Laboratories and Professional Risk Management Services (PRMS).

### Half Day Medical Update

Again this year WPS members are invited to hear presenters from a variety of medical specialties discuss the interrelatedness of psychiatric and somatic illnesses. Scheduled for Saturday September 18, 7:30 a.m. – 1:00 p.m. at the George Washington University Hospital Auditorium, our Medical Update speakers are:

Daniel Clauw, MD, Professor of Medicine at the University of Michigan. Dr. Clauw will discuss state of the art diagnosis and treat-

ment of fibromyalgia; Jonathan Reiner, MD, Professor of Medicine at the George Washington University. Dr. Reiner will discuss heart disease and depression; and Marvin Schuster, MD a psychiatrist and gastroenterologist at Johns Hopkins University. Dr. Shuster will discuss irritable bowel syndrome.

Use the registration form on this page to reserve your place on September 18. This event is free for WPS members, \$30 for members of other APA District Branches and \$60 for non-APA members. This educational program is supported by an unrestricted educational grant from Glaxo/Smith/Kline.

### Registration

(Please check all applicable)

- "Mind, Brain and Personality Disorders" September 9  
 "Half Day Medical Update" September 18

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*DC Mental Health continued  
from page 1*

permits the following information to be disclosed with patient permission for routine claims review.

1. Administrative information
2. Diagnostic information
3. Voluntary or involuntary status of the patient
4. Reason for beginning or continuing treatment
5. Prognosis limited to estimated duration of treatment

The difficult part has been the definition of "reason for beginning or continuing treatment." Insurance companies have asked that the information under this heading include medication, discharge criteria and progress. After careful consideration, the clinicians' group has accepted the idea of medication and discharge criteria (purpose or overall goal of treatment) but felt that progress could open the door to increasingly intrusive reviews by the insurance companies.

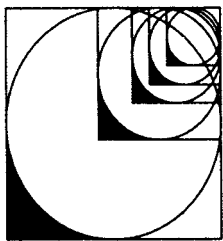
It is important to emphasize that, in all likelihood, the most important part of this law will be the part that pertains to the independent reviewer. However, we cannot get to that part until we have reached an agreement with regard to the first part of the law; that is, the routine claims review.

At present we have reached a tentative agreement at the Commissioner's office that the understanding described above which permits the disclosure of the discharge criteria (overall goal of treatment and medication, but not progress), if approved by the local mental health organizations, will be presented by the Commissioner to the insurance companies for their approval. A meeting is set for July 30. At that time we hope to confirm this understanding with the DC Commissioner, including the support for this position by the local mental health professional organizations represented by the DC Coalition, prior to the Commissioner presenting the proposal to the insurance companies. ■

## **Drs. Storer and Lieberman Honored by APA**

Dean J. Storer, MD, FAPA and Daniel Z. Lieberman, MD, FAPA shared honors with colleagues from around the nation as recipients of the APA's Nancy C.A. Roeske, MD Certificate of Recognition for Excellence in Medical Student Education. Drs. Storer and Lieberman received their awards from APA's Committee on Medical Student Education at the Annual Meeting in New York.

The certificate is awarded to APA members who have made outstanding and sustaining contributions to medical education in both salaried and volunteer positions. Dr. Storer was recognized in the volunteer category for his work at George Washington University. Dr. Lieberman was recognized in the salaried faculty category for his work also at George Washington University. ■

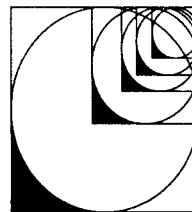


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By Cal Whitehead, NoVA/PSV Lobbyist

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### *The President's column continued from page 2*

The president must be well-informed of the need of the Board's constituencies. By early fall I will have met with all the Board members. As noted, I've met with our past presidents and president-elect. On June 28 I met with the Member-in-Training Representatives to the Board. Our Executive Committee (President, President-elect, Secretary, Treasurer, Immediate Past President, Chapter Chairs and Executive Director meet monthly to discuss the complicated issues

facing the Board and review agenda items for the upcoming Board meetings.

I do not want to close without highlighting our Executive Director, Walter Hill. His energy, loyalty and dedication to the myriad tasks required of the WPS have all combined to allow us to maintain our momentum, balance and creativity. He is an unsung hero who toils unselfishly in the fields so that we can work on providing maximum benefit to our members. He is consistently supportive of me, working overtime in getting me up to speed for this job and patiently whispering Roberts Rules of Order in my ear at Board meetings.

I eagerly look forward to a wonderfully productive and exciting year. I welcome any feedback for all of you as the year unfolds. ■

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