

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 11	Patient Privacy Policies	Effective:	April 2003
Section 11.2	Use and Disclosure of Protected Health Information	Revised:	February 2006
Policy 11.2.2	Use and Disclosure of Psychotherapy Notes	Responsibility:	Assistant Vice President for Regulatory Affairs & Compliance

USE AND DISCLOSURE OF PSYCHOTHERAPY NOTES

Policy

The Health Science Center may not release psychotherapy notes, except as required by law. Psychotherapy notes as defined in this policy shall be maintained separately from the medical record.

Definitions

PSYCHOTHERAPY NOTES: Notes that capture the impressions about the patient containing details of the conversation considered to be inappropriate for the medical record, and are used by the provider for future sessions. “Psychotherapy Notes” are recorded in any medium by a health care provider who is a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint, or family counseling session. Psychotherapy notes are kept separate from the rest of the individual’s medical record. Not included in the definition of “Psychotherapy Notes” are records of medication prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

When Authorization Is Not Required

Authorization for the disclosure of psychotherapy notes is not required in the following circumstances:

- For use by the originator for treatment;
 - Payment purposes and healthcare operations;
 - For use in the Health Science Center supervised training programs where trainees, such as students and residents, learn to practice counseling;
 - To defend a legal action brought against the Health Science Center by the patient;
 - For purposes of the Department of Health and Human Services in determining compliance with the privacy rule;
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- By a health oversight agency for a lawful purpose related to oversight of a psychotherapist;
 - To a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law;
 - To law enforcement in instances of permissible disclosure related to a serious or imminent threat to the health or safety of a person or the public; or,
 - As otherwise required by law.

An authorization for use or disclosure of psychotherapy notes may not be combined with another authorization except for one that relates to use and disclosure of psychotherapy notes.

Patient Access to Psychotherapy Notes

A patient does not have a right to inspect or obtain a copy of psychotherapy notes. A patient may not request a review of an originator's denial of access to psychotherapy notes. However, a patient may be provided access to a summary of the psychiatric treatment.
