

Section 6	Compliance Policies		-Effective
Subject 6.2	Privacy and Disclosure		-Revised
Policy 6.2.8	Use and Disclosure of Psychotherapy Notes	Compliance Office	-Reviewed -Author

Use and Disclosure of Psychotherapy Notes

Audience

The information in this document applies to all UTMB faculty, staff, students, volunteers, and any other contractors or agents granted access to Protected Health Information (PHI).

Definitions

Psychotherapy notes: Notes (*i.e.*, process notes) that capture the therapist's 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 can also be 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.

Policy

UTMB may not release psychotherapy notes, except in specific situations or as required by law.

Psychotherapy notes (*i.e.*, process notes) shall be maintained separately from the medical record.

Summary information (*i.e.*, progress notes) such as current state of the patient, symptoms, summary of the theme of the psychotherapy session, diagnoses, medications prescribed, side effects, and other information needed for treatment or payment shall be placed in the medical record.

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.

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UTMB HANDBOOK OF OPERATING PROCEDURES

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Use and Disclosure of Psychotherapy Notes, continued

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;
- For use in educational programs including residency or graduate training programs where students and trainees learn to practice counseling;
- To defend a legal action brought by the patient;
- For purposes of the Department of Health and Human Services in determining compliance with the privacy rule;
- As otherwise required by law;
- 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; or,
- 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.

Release of Psychotherapy

The authorization for psychotherapy notes may not be combined with an authorization for any other PHI. An authorization for the use or disclosure of psychotherapy notes may only be combined with another authorization for the use or disclosure of psychotherapy notes.

Enforcement

All supervisors are responsible for enforcing this policy. Individuals who violate this policy will be subject to the appropriate and applicable disciplinary process, up to and including termination or dismissal.

References

45 C.F.R. §164.508(a)(2)
45 C.F.R. §164.524
