

AGENCY POLICY:
PRIVACY OF PSYCHOTHERAPY NOTES

SCOPE OF POLICY

This policy applies to any people who provide clinical psychotherapy or counseling services for The Arc.

STATEMENT OF POLICY

HIPAA defines psychotherapy notes. Under HIPAA, psychotherapy notes are not formal official notes. They are not part of the main record. They are not used to bill. They are notes that the clinicians keep for themselves. They help the clinician remember things they talked about with the person. These are things that should not be part of the official note. They need to be stored in a different place than the main record.

The Arc wants to make sure that we are careful with these psychotherapy notes. These notes are very sensitive. Sharing them could hurt the relationship between the person and the clinician. That's why HIPAA talks about them differently than other types of notes.

IMPLEMENTATION OF POLICY

A. Use and Disclosure of Psychotherapy Notes

Psychotherapy notes may only be used or shared in certain ways. We've talked about that below.

1. We don't need permission from the person to use or share psychotherapy notes in the following cases:

- a. The person who wrote the psychotherapy notes can use them to help treat the person.
- b. Staff can't see someone else's psychotherapy notes. They also can't use them to help the agency get money for services. They can't use them for health care operations either. See the policy on TPO for more information.
- c. Therapists can share their psychotherapy notes with students who are learning how to be therapists too.
- d. Therapists can share psychotherapy notes to keep people safe. This might include the person they are working with. It might also be other people or the public at large. The notes can only be shared with people who can really help keep others safe.
- e. Psychotherapy notes can also be used or shared if the therapist or agency is sued by the person the notes are about.
- f. Psychotherapy notes can be used or shared if a court tells us we have to.
- g. Psychotherapy notes can be shared with the government to prove that we are following HIPAA.
- h. We might share psychotherapy notes with the medical examiner if we think it could help figure out how someone died or who someone is who died.

For everything else, we would need to get permission from the person before we can use or share psychotherapy notes. Even if there is written permission for other types of PHI, separate permission is needed for psychotherapy notes. The standard authorization form can be used.

If people we support want to see psychotherapy notes, they need to ask in writing. There is a policy that talks about people we support being able to see or change their PHI. Please see that policy for more information.

Effective Date: 4/1/03

Revised:

9/12/08

8/3/17