

SAN MATEO COUNTY
MENTAL HEALTH SERVICES DIVISION

DATE: February 25, 2003; effective April 14, 2003

MENTAL HEALTH POLICY NO.: MH 03-10

SUBJECT: Psychotherapy Notes

AUTHORITY: HIPAA Privacy Regulations (45 CFR 164.530(d)), California
Welfare and Institutions Code, Title 9, subchapter 5

SUPERSEDES: New Policy

BACKGROUND and PURPOSE

HIPAA Privacy Regulations allow Psychotherapy Notes to be specially managed. For example, while a client has a right to access his/her own medical record, an exception to that right is that the client may not require a therapist to reveal psychotherapy notes. It was therefore necessary for San Mateo County Mental Health Services to determine whether therapists within our workforce are creating psychotherapy notes, as specifically defined in HIPAA regulations.

DEFINITIONS

Psychotherapy Notes - (sometimes referred to as process notes) are notes recorded by a mental health professional documenting or analyzing the contents of conversation during an individual, group, joint or family therapy session. **By definition, these notes are separated from the rest of the client's record.** Psychotherapy Notes do not include:

- a. Medication prescription and monitoring
- b. Session start and stop times
- c. Modalities/frequencies of treatment
- d. Results of clinical tests, or:
- e. A summary of diagnosis, functional status, treatment plan, symptoms, prognosis or progress

Supervision Notes – Brief notes or reminders written by the trainee or Psychiatry Resident for the purpose of recalling his/her own therapeutic interventions in order to discuss these during a supervision session.

POLICY

After review of existing clinical practice, San Mateo County Mental Health Services finds that psychotherapy notes, as defined, are not maintained as part of outpatient therapy. All session notes are written in the mental health record and are subject to regulations assuring client access and other authorized disclosures.

Supervision notes, if any, are not part of the mental health record. Supervision notes, if any, are to be referred to during the next scheduled supervision session. Subsequent to this use, supervision notes are to be destroyed by shredding.

Approved:

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