

SAN MATEO COUNTY
BEHAVIORAL HEALTH AND RECOVERY SERVICES

DATE: December 21, 1993

BHRS POLICY: 93-13
SUBJECT: Restricted Material in Client Chart (Formerly Chart Organization)
AUTHORITY: Divisional
AMENDED: December 20, 1999; November 9, 2011

BACKGROUND

This policy previously addressed organization of materials in a paper-based chart. Since the advent of Avatar, the following principle has been incorporated into the design of the electronic medical record and no longer needs to be memorialized within a policy:

In an expanding system of care for adults and youth in San Mateo County, a single client may receive services from multiple providers. To enhance client care through efficient retrieval and sharing of information, it is important that information be stored in a consistent manner from provider to provider.

The focus of this policy will continue to be the importance of distinguishing restricted chart material from that which may, with necessary consents to release information, be distributed outside of BHRS. This policy does not address substance use confidentiality regulations as codified in federal law (42CFR Part 2).

POLICY

All providers are responsible for understanding confidentiality regulations governing release of information.

All releases, even when permitted by law, must still reflect a thoughtful consideration of “need to know”.

All providers are responsible for filing/scanning legal and consent materials and for identifying restricted materials in a manner that is protective of clients' rights.

DISCUSSION

Permitted Material

BHRS staff may make decisions about allowable release of information when the release is permitted by confidentiality regulations. Refer to the following policies for guidance:

- BHRS Policy 03-01 (Confidentiality/Privacy of Protected Health Information)
- BHRS Policy 96-14 (Subpoenas to Release Records).
- BHRS Policy 03-04 (Disclosure of Protected Health Information, Minimum Necessary)
- BHRS Policy 03-06 (Disclosures of Protected Health Information with Client Authorization)

Note: Material may be released that did not originate within BHRS.

Restricted Material

The intent of a “restricted” section within a BHRS chart is to create a mechanism that assures that relevant information is available to involved clinicians, while preventing that material from being distributed to others not legally privileged to view it. **All of the following material have unique restrictions that apply outside of the primary clinical setting, and none may be copied unless specific consent has been obtained.**

- **HIV Status** requires specific consent to release HIV information before copies may be sent to providers. (Note: This material may be released to physicians without additional consent).
- **Conservator Investigation Reports** may contain unverified material or material provided in confidence to the investigator. **DO NOT COPY OR RELEASE** to outside inquirers. (If clients request this material, it may be released to them.)
- **Youth Forensic Evaluations** provided on request for the Superior Court. These materials state “Do Not Duplicate” and may be released **ONLY** to the Court or the Court’s officers. Parental consent is not sufficient to release these evaluations; they may not be released to the parent or guardian. (Note: Youth Services Center staff may, under specific protocol and/or consent, release this material.)
- **Reports to Child Protective Services or Adult Protective Services** - Despite the fact that reporting abuse is a mandated professional function, and may be referenced in progress notes, the actual report should not be copied. Reports often contain clinical suspicions or allegations by others. Because the alleged abuse may be found to be unverified or not exactly as first reported, it is important to restrict the abuse report. **DO NOT COPY OR RELEASE.**

Approved: Signature on File
Stephen Kaplan, Director
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