

University of Colorado Health Sciences Center
HIPAA Policy

Policy:	3.3 Authorization Required to Use or Disclose PHI Contained in Psychotherapy Notes	Latest Revision: 02/26/03 Page: 1 of 3
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I. Purpose, Reference, and Responsibility

A. Purpose

To outline the policy on use or disclosure of PHI in psychotherapy notes and identify under what circumstances under which those notes, or the contents of those notes may be used or disclosed.

B. Reference

45 C.F.R. § 164.508.

C. Responsibility

It is the responsibility of anyone who has access to psychotherapy notes to follow this policy when using PHI contained in those notes and when disclosing PHI contained in those notes to anyone outside of UCHSC to assure that such use or disclosure is made consistent with this policy.

II. Applicability and Definitions

A. Applicability

This policy applies to any use or disclosure of psychotherapy notes or PHI contained in psychotherapy notes.

B. Definitions

Authorization
Health Care Operations
Minimum Necessary Use
Payment
Protected Health Information (PHI)
Psychotherapy Notes
Treatment
Workforce

University of Colorado Health Sciences Center
HIPAA Policy

Policy:	3.3	Latest Revision: 02/26/03
	Authorization Required to Use or	Page: 2 of 3
	Disclose PHI contained in	
	Psychotherapy Notes	

III. Policy

A. General

Given the sensitive nature of psychotherapy notes, no member of the UCHSC workforce may use or disclose PHI contained in psychotherapy notes without a valid authorization from the subject of the notes unless the use or disclosure is:

1. To carry out the following treatment, payment, or health care operations:
 - a. Use by the originator of the notes (e.g. therapist) for treatment;
 - b. Use or disclosure by the UCHSC for its own training programs in which students, trainees, or practitioners in mental health learn under supervision to practice or improve their skills in group, joint, family, or individual counseling; or
 - c. Use or disclosure by the UCHSC to defend itself in legal action provided that such use or disclosure has been approved in advance by the Office of University Counsel; or
2. To the Secretary of HHS as required by HIPAA;
3. Required by law as provided in UCHSC HIPAA policy;
4. To a health oversight agency with respect to oversight of the originator of the notes;
5. 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
6. Consistent with applicable law and standards of ethical conduct, the UCHSC believes in good faith that the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and the use or disclosure

University of Colorado Health Sciences Center
HIPAA Policy

Policy:	3.3	Latest Revision: 02/26/03
	Authorization Required to Use or Disclose PHI contained in Psychotherapy Notes	Page: 3 of 3

is to a person(s) reasonably able to prevent or lessen the threat, including the target of the threat.

B. Compound authorizations for disclosure of psychotherapy notes.

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.

C. Prohibition on conditioning psychotherapy note authorizations.

Access to treatment, payment, enrollment in a health plan, or eligibility for benefits may not be conditioned on an individual signing an authorization permitting the use or disclosure of psychotherapy notes. (See UCHSC HIPAA [Policy 3.4.](#))

D. Appropriate authorization form for psychotherapy notes.

The only authorization form that is permitted for the use or disclosure of psychotherapy notes is the UCHSC Authorization Template for Psychotherapy Notes.