

Guidelines for Release of Health Information

General Information:

1. No health records will be released without a signed Authorization for Release of Protected Health Information that includes the following elements, at a minimum:
 - Description of the information to be used or disclosed, with sufficient specificity to know the information being sought;
 - The name, address and telephone number of the intended recipient;
 - A specific expiration date;
 - Indication that the individual authorizing the release of records understands that he/she has the right to revoke the authorization, in writing, and instructions on how the authorization can be revoked;
 - Indication that the individual authorizing the release of records understands that when the information is disclosed pursuant to the authorization, it may no longer be protected;
 - Signature of the individual authorizing the release of records and the date of the signature.
2. Health information regarding pregnancy, family planning, sexually transmitted diseases and HIV will not be disclosed to anyone without the specific written authorization of the individual.
3. In the community, requests for health records or mental health records other than for placement purposes will be forwarded to the clinician who generated the record.
4. Requests for records that are located at another DJJ site will be immediately forwarded to that site.
5. Do not release any documents that are not cosigned by all appropriate staff. For example, Mental Health Assessments should not be released prior to the Psychologist review, treatment plans should not be released without the appropriate team signatures, etc.
6. Each secure facility LOP for DJJ 5.5, Health Records should address the process by which all LMHPs who have documented in that youth's record are consulted/informed of the information to be released prior to the release of those records.
7. If a facility receives a court order directing them to perform an evaluation or provide treatment, the order should immediately be forwarded to the Office of Legal Services.
8. HIPAA requires that a progress note be entered in a youth's record if the records are released or discussed with others.

Youth requests his/her own records:

- Authorization for Release of Protected Health Information must be submitted, with youth signature. Parent/guardian should also sign if the youth is under 18 (best practice).
- The DMHA (for mental health records) or DHA (for medical records) should review the request and the record for clinical appropriateness of release. It is possible that it may be clinically contraindicated to release some or all of the information to the youth. In circumstances when it would endanger any person's life or physical safety, the request can be denied. The youth must be provided the Privacy Practices Denial Form (DJJ 5.5, Attachment B).The youth will have the opportunity to appeal through the complaint process in DJJ 5.5, Health Records unless the information includes psychotherapy notes; the information is being compiled for a civil, administrative or criminal action or proceeding; providing a copy would jeopardize the health, safety, security or rehabilitation of any youth, employee or other person in a secure facility; or the information was obtained by someone other than a health care provider under confidentiality and access would reveal the source of the information.
- Signed Authorization form must be faxed to Office of Legal Services to determine what records will be released.
- If the records are to be released, it must be done within 30 days of the request.
- For mental health records, whenever possible, the DMHA or designee should review the requested records with the youth.
- For medical records, a RN will review the requested records with the youth.

Parent/guardian requests youth's records:

- Authorization for Release of Protected Health Information must be submitted, with parent/guardian's signature. Youth should also sign if under 18 (best practice). Youth must sign if over 18.
- The parent/guardian must be specific about what is requested (e.g., mental health assessment, special management plan, treatment plan, etc.). General requests for "all mental health records" will not be considered without direction from the Office of Legal Services.
- The DMHA (for mental health records) or DHA (for medical records) should review the request and the record for clinical appropriateness of release. It is possible that it may be clinically contraindicated to release some or all of the information to the youth. In circumstances when it would endanger any person's life or physical safety, the request can be denied. The youth must be provided the Privacy Practices Denial Form (DJJ 5.5, Attachment B).The youth will have the opportunity to appeal through the complaint process in DJJ 5.5, Health Records unless the information includes psychotherapy notes; the information is being compiled for a civil, administrative or criminal action or proceeding; providing a copy would jeopardize the health, safety, security or rehabilitation of any youth, employee or other person in a secure facility; or the information was obtained by someone other than a health care provider under confidentiality and access would reveal the source of the information.
- Signed Authorization form must be faxed to Office of Legal Services to determine what records will be released.
- If the records are to be released, it must be done within 30 days of the request.
- For mental health records, whenever possible, the DMHA or designee should review the requested records with the youth.
- For medical records, a RN will review the requested records with the youth.

Defense counsel requests youth's record:

- The Authorization for Release of Protected Health Information form must be submitted. If the youth is under 18, the parent/guardian must sign the form. The youth should also sign (best practice). If the youth is over 18, the youth must sign the form.
- The Authorization for Release of Protected Health Information must be forwarded to the Office of Legal Services before any records are released.
- The Attorney must be specific about what is requested (e.g., mental health assessment, special management plan, treatment plan, etc.). General requests for "all mental health records" will not be considered without direction from the Office of Legal Services.
- The DMHA (for mental health records) or DHA (for medical records) should review the request and the record for clinical appropriateness of release. It is possible that it may be clinically contraindicated to release some or all of the information to the youth. In circumstances when it would endanger any person's life or physical safety, the request can be denied. The youth must be provided the Privacy Practices Denial Form (DJJ 5.5, Attachment B). The youth will have the opportunity to appeal through the complaint process in DJJ 5.5, Health Records unless the information includes psychotherapy notes; the information is being compiled for a civil, administrative or criminal action or proceeding; providing a copy would jeopardize the health, safety, security or rehabilitation of any youth, employee or other person in a secure facility; or the information was obtained by someone other than a health care provider under confidentiality and access would reveal the source of the information.

Subpoena served for youth's record:

- If there is no Authorization for Release of Protected Health Information, no information will be provided to the court directly from the facility. Such subpoenas must be immediately directed to the Offices of Legal Services.
- The Authorization for Release of Protected Health Information form must be submitted. If the youth is under 18, the parent/guardian must sign the form. The youth should also sign (best practice). If the youth is over 18, the youth must sign the form.
- The Authorization for Release of Protected Health Information must be forwarded to the Office of Legal Services before any records are released.
- The subpoena must be specific about what is requested (e.g., mental health assessment, special management plan, treatment plan, etc.). General requests for "all mental health records" will not be considered without direction from the Office of Legal Services.

Sample process:

