



C A L I F O R N I A D E P A R T M E N T O F
Mental Health

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November 30, 2004

DMH INFORMATION NOTICE NO.: 04-07

TO: LOCAL MENTAL HEALTH DIRECTORS
LOCAL MENTAL HEALTH PROGRAM CHIEFS
LOCAL MENTAL HEALTH ADMINISTRATORS
COUNTY ADMINISTRATIVE OFFICERS
CHAIRPERSONS, LOCAL MENTAL HEALTH BOARDS

SUBJECT: CHANGE IN CONFIDENTIALITY OF MENTAL HEALTH
INFORMATION

REFERENCE: SB 598, CHAPTER 463, STATUTES OF 2004, SECTION 56.104
OF THE CIVIL CODE

This notice provides information about recent chaptered legislation that will take effect January 1, 2005. This new statute clarifies confidentiality of medical information as it relates to psychotherapy.

Section 56.104 of the Civil Code contains the provision of statute regarding how and when a provider of healthcare, healthcare service plans, or health care contractor may release medical information to persons or entities authorized by law to receive that information.

This amendment to the Civil Code allows information to be released about an individual's participation in outpatient psychotherapy treatment without written permission from the individual when the information will be used for diagnosis and treatment purposes. Prior to the current change, information regarding a person's participation in outpatient psychotherapy could not be released without a written release of information except in certain specified circumstances.

This allowance for disclosure is found in Civil Code Section 56.10(c) and reads:

A provider of health care or a health care service plan may disclose medical information as follows: (1) the information may be disclosed to providers of healthcare, health care service plans, contractors, or other health care professionals or facilities for purposes of diagnosis or treatment of the patient.

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This change allows for more effective exchange of information among health care professionals in the diagnosis and treatment of individuals receiving outpatient psychotherapy.

All other provisions of this section regarding the release of information related to a person's participation in outpatient psychotherapy remain the same.

The chaptered legislation along with Civil Code Section 56.10 is enclosed for your review. If you have any questions regarding this legislation, please contact Maureen Price at (916) 653-8831.

Sincerely,

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosures

cc: Mental Health Planning Council