

CBHS Policies and Procedures



City and County of San Francisco
Department of Public Health
Community Programs
COMMUNITY BEHAVIORAL HEALTH SERVICES

1380 Howard Street, 5th Floor
San Francisco, CA 94103
415.255-3400
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POLICY/PROCEDURE REGARDING: **Responding to Court Order for Sealing Medical Records**

Issued By: Jo Robinson, MFT
Director of Community Behavioral Health Services

A handwritten signature in black ink, appearing to read "Jo Robinson", written over the printed name.

Manual Number: 3.06-12

References:

Date: January 3, 2011

Technical Revision. Replaces 3.06-12 dated January 15, 1999

Purpose

Occasionally the court will order a medical record to be sealed or destroyed. This policy provides guidance to staff for sealing a client's medical records. In general, these court orders usually pertain to juvenile records.

Scope

This policy applies to providers who need to respond to a court order for sealing medical records.

Policy

This policy applies to all Mental Health Civil Service Programs, Mental Health Contract Programs, Substance Abuse Programs, and Private Providers Network (PPN) of Community Behavioral Health Services(CBHS).

I. Service of Court Order

1. Civil Service Programs

- a. All court orders for sealing medical records of CBHS civil service programs must be served to Community Behavioral Health Services located at 1380 Howard Street, San Francisco, CA 94103.

2. Mental Health Contract Programs and Substance Abuse Programs

- a. Court orders for mental health contract programs and substance abuse programs must be served at the program site. Mental health contract programs and substance abuse programs are responsible for sealing their own medical records. If the provider has any questions, the provider should seek its own legal counsel. The staff of Health Information Management (HIM) is available to provide technical assistance.

3. Private Provider Network

- a. Court orders for Private Provider Network must be served to the individual private practitioner. The private practitioner is responsible for sealing the medical records. If the provider has any questions, the provider should seek its own legal counsel. The staff of Health Information Management is available to provide technical assistance.

II. Procedure

1. Upon receipt of the court order, the staff of Health Information Management will inform and assist the primary clinician /counselor for sealing the medical records.
2. Locate all medical records kept in a variety of media including, but not limited to, paper, electronic, digital images, video and audio.
3. The clinician /counselor should review all medical records stored **in any medium** and identify disclosures made to third parties. This involves reviewing all progress notes for any disclosure and checking for any authorization for the release of information.
4. If the documentation shows that a disclosure was made to the third party, the staff must request the third party (Attachment A-cover letter) to return any information previously released so that CBHS may comply with the Court Order.
5. All client protected health information in any electronic format /system must be purged.
6. The hard copy of the client's master patient index card (if present) should be pulled and attached to the medical record.
7. Once all materials have been assembled, all protected health information should be sealed in an envelope.
8. The Court Order, the signed affidavit and the sealed records and materials will be sent to the court via certified mail.

Attachment: 1

Contact Person: Manager, Health Information Management, 415-255-3488

Distribution:

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ATTACHMENT A
Cover Letter

Date:

To: (Name and address of person/facility to whom copies of medical records were released)

From:

Subject: Request for Previously Released Materials

RE:

DOB:

Dear

San Francisco Community Behavioral Health Services has received a Court Order dated _____ ordering the sealing of all records.

According to our records, copies of this client's records were released to you on _____ (specify date).

We are obliged to ask you to return the copies of the record so that we may comply with the Court Order. The Court has asked us to respond by _____ so your prompt attention to this matter will be appreciated. If you have any questions, please call (415) 255-3488. Thank you.

Sincerely,