

FOIA REQUESTS FOR RECORDS

The release of a client's mental health records is handled in accordance with the Code of Virginia 8.01-413 with the strictest confidentiality in order to reduce the risks associated with the unintended disclosure of sensitive information. An authorization form with the client's date of birth, last 4 digits of social security number, signature and date signed is required before any records can be released.

The authorization should specify the release of mental health records and, if applicable, the release of records which may contain references to substance abuse. An authorization for medical records is not sufficient to cover the release of mental health records. If records contain information related to substance abuse, the authorization form must specify the release of substance abuse information. A release that specifies the release of mental health records does not suffice for the release of records containing substance abuse information.

Assessments, data bases, psychological evaluations, medication reviews, hospital follow ups, and discharge summaries are released without the approval of the Behavioral Health Services Director (BHSD) or Intellectual Disabilities Director. If counseling notes which are considered psychotherapy notes are specifically requested and authorized by the client, these records must be approved for release by the BHSD. Access to all or part of a record may be denied, upon exercise of professional judgment of the BHSD when such access is judged to be reasonably likely to endanger the life or physical safety of the individual or another person. A note should be placed in the client's record as to what cannot be released in the judgment of the BHSD. A letter should be sent to the client explaining our policy on which records cannot be released while giving the client an opportunity to have this decision reviewed or appealed.

When an authorization form is signed by someone other than the client, the relationship must be verified. An authorized representative, legal guardian, or parent when client is under eighteen years old should be specified in client's records.

Requests should be processed within fifteen days from receipt of request. If the request cannot be processed because of missing or incorrect information on the authorization form, the Records Officer will call the requestor to advise. If the request cannot be processed within 15 days, the Records Officer will call the requestor and advise them of the reason for the delay.

There is a charge for records in accordance with the Code of Virginia 8.01-413. The charge is \$.50 for each page up to 50 pages and \$.25 a page thereafter. Clients are not charged a search and handling fee. Records will be mailed to the client at the address on the authorization along with an invoice to be returned with payment.