



11.2.2 Use and Disclosure of Psychotherapy Notes

Chapter 11 - Patient Privacy	Original Effective Date: April 2003
Section: 11.2 Use and Disclosure of Protected Health Information	Date Last Reviewed: January 2023
Responsible Entity: Chief Compliance and Privacy Officer	Date Last Revised: January 2023

I. Purpose

UT Health San Antonio may not release psychotherapy notes, except as required by law. Psychotherapy notes as defined in this policy shall be maintained separately from the medical record because the regulations treat the two records differently.

II. Scope

This policy applies to all faculty, staff, students, residents, healthcare providers, researchers, contractors, or any other individual (collectively, Workforce Member, including employees and non-employees) who has direct or indirect access to patient protected health information (PHI) created, held or maintained by any UT Health San Antonio controlled affiliate, including, but not limited to its clinics, hospitals, and research operations.

III. Policy

- A. Authorization for the disclosure of psychotherapy notes is not required in the following circumstances:
 - 1. Use by psychotherapy originator/provider for treatment purposes;
 - 2. Supervised 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;
 - 3. To defend a legal action brought against UT Health San Antonio by the patient;
 - 4. For purposes of the Department of Health and Human Services in determining compliance with the privacy rule;
 - 5. By a health oversight agency for a lawful purpose related to oversight of a psychotherapist;

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6. 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;
 7. To law enforcement in instances of permissible disclosure related to a serious or imminent threat to the health or safety of a person or the public; or,
 8. As otherwise required by law.
- B. An authorization for use or disclosure of psychotherapy notes may not be combined with another authorization except for one that relates to use and disclosure of psychotherapy notes.
- C. A patient does not have a right to inspect or obtain a copy of psychotherapy notes. However, a patient may be provided access to a summary or narrative of the psychiatry treatment.

IV. Definitions

Terms used in this document, have the meaning set forth in the [Patient Privacy Policies Glossary](#) unless a different meaning is required by context.

V. Related References

For questions regarding this policy contact the privacy program director at 210-567-2014 or compliance@uthscsa.edu.

VI. Review and Approval History

- A. The approving authority of this policy is the University Executive Committee.
- B. The review frequency cycle is set for three years following the last review date, a time period that is not mandated by regulatory, accreditation, or other authority.

Effective Date	Action Taken	Approved By	Date Approved
04/2003	Policy Origination		
12/2010	Policy Revision		
03/2013	Policy Revision		
01/2023	Policy Review, discretionary edits	ICPO	01/18/23