



# STATE OF CONNECTICUT

## DEPARTMENT OF MENTAL HEALTH

February 17, 1993

Effective Date: March 12, 1993

### COMMISSIONER'S POLICY STATEMENT NO. 7

#### CONFIDENTIALITY OF RECORDS

The confidentiality of records maintained by the Department of Mental Health and its state-operated facilities is governed by several different sections of the general statute(s), depending on subject matter and content. The particular statute(s) involved should be carefully studied, if a question arises concerning the confidentiality of a particular record.

Patient records are covered by Section 52-146c through Section 52-146j of the general statutes. Section 52-146c pertains to psychologist-patient privilege. The other sections are concerned with the psychiatrist-patient privilege. In general, any communication or record thereof relating to the diagnosis or treatment of a patient's mental condition between a psychiatrist and patient, the patient's family and the psychiatrist or anyone working under the authority of the psychiatrist which identifies the patient is confidential and cannot be released without the written consent of the patient or his authorized representative. Communications and records include specifically those records which occur in or are prepared at a mental health facility. There are certain exceptions to the consent requirements, and the statutes should be consulted when in doubt.

Patient records in state facilities, as well as employee records, are also covered by Section 4-190 through Section 4-197 of the general statutes, the Personal Data Act. This provides for disclosure of personal data to the individual (it may be withheld for medical reasons, see Section 4-194) and correction of erroneous data contained in the record.

Section 17a-548(b) provides that a patient or his attorney has a right of access to his hospital records, including the right to make copies. Unless the request is made in connection with litigation related to hospitalization, the facility may refuse to disclose any portion of the record which: (1) would be medically harmful to the patient; (2) would constitute an invasion of privacy of another person; or (3) would violate an assurance of confidentiality furnished to another person. The person may contest the decision not to disclose in a judicial proceeding.

(AC 203) 566-3650

90 Washington Street • Hartford, Connecticut 06106

*An Equal Opportunity Employer*

Other records of the Department are covered by Section 1-7 through Section 1-21k, concerning public records and meetings. All such records are public records and must be disclosed upon request with the following exceptions:

- (1) Preliminary drafts or notes;
- (2) Personnel or medical files;
- (3) Records pertaining to strategy or negotiation with respect to pending claims or litigation;
- (4) Test questions;
- (5) Real estate appraisals and the like;
- (6) Collective bargaining strategy; and
- (7) Law enforcement investigatory files.

In addition, Department records pertaining to alcohol and drug program and patients are covered by the Federal Confidentiality of Alcohol and Drug Abuse Patient Records regulations, (42 CFR PART 2). These regulations are strict and all-inclusive and any individual responsible for such a program should be thoroughly familiar with their requirements.

Finally, Department regulations concerning the Personal Data Act should be consulted when dealing with such data.



Albert J. Solnit, M.D.  
Commissioner

This directive replaces Commissioner's Policy Statement No. 7, dated November 1, 1983.