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January 3, 2013

To: System of Care Programs

From: BHS Quality Management Unit

Re: Holder and Release of Records

Dear SOC Partners:

Recently there has been some confusion around the owner of the entire record and what to release when a client makes a request for records. This memo serves to provide clarification.

When a client asks for his or her record, it is important for the program to define what specific information the client is requesting. If the client is interested in the record as it relates to the particular provider they are requesting the record from, the provider may release a designated record set. This designated record set includes any information within the record that the program utilized for treatment purposes, as per 45 CFR 164.103. Other information within the record that was not used by the program for treatment purposes cannot be released.

Thus, if the client is looking for an entire record, and not just information related to the program's specific treatment, the request should be forwarded to the County as the County owns the entire client record.

As a reminder, programs should always consult with their Legal Entity Administration and Counsel regarding record releases.

It is our hope that this helps to clarify this matter. If you have any further questions, please do not hesitate to contact me.

Respectfully,

Steve Jones, LCSW  
Quality Management Program Manager  
County of San Diego BHS