**To:** Mental Health System of Care Providers **Date**: **10/23/18**

**From:** Steve Jones, LCSW, BHPC - Quality Management

**Re:** New Laws Impacting Privacy and Confidentiality - AB 1119 and SB 241

The purpose of this memo is to review new laws and amendments to existing laws which have impact on privacy and confidentiality.

* **AB 1119 – Sharing Mental Health Information in an Emergency**
  + This new law explicitly permits communication of patient information during the provision of emergency services between mental health professional and emergency medical personnel at the scene of an emergency, or in an emergency transport vehicle, or other professional person or emergency personnel at a health facility.
  + This new law merely clarifies that in an emergency situation (e.g., 5150, overdose, or other health issue) an outside mental health facility or professional may disclose mental health information to first responders (paramedics, EMTs, ambulance drivers, hospital ER staff, and other healthcare providers)
* **SB 241 – Access to Client Records**
* Thereare two changes to California law in this bill:
  + **Copying Costs** – The amount that can be charged for copies of a client’s record is limited to “a reasonable, cost-based fee”which may only include costs for labor associated with copying, supplies, postage, or preparation of summary as agreed to by client. In any case, no more than $0.25/page for copies and $0.50/page for microfilm.
  + **Disclosure of PHI** – This new exception to mental health privacy allows providers to disclose PHI to their business associates, and use PHI for internal operations purposes.

Please direct any questions and/or comments to [**QIMatters.HHSA@sdcounty.ca.gov**](mailto:QIMatters.HHSA@sdcounty.ca.gov)