

Release of Psychiatric Records

Given the varying professional roles that I assume as a clinical and forensic psychiatrist, I have developed somewhat different policies regarding the release of psychiatric records depending on the role I have been asked to assume.

With regard to psychotherapy and medical management patients, I take notes each session which are placed in a file along with other medical records and reports, correspondence (including email, faxes and U.S. mail), billing statements, faxed prescription requests, and other documents that pertain to that person's care. I store clinical records in a secure environment for ten years after which time I have them shredded by a confidential shredding service.

I release clinical records only after receiving a HIPAA compliant release signed by the patient or that person's lawfully appointed representative. Exceptions to this policy include records that are provided to a regulatory body such as the Colorado Medical Board, records needed to resolve a malpractice suit, billing records needed to resolve a financial dispute, and records that I am required to release by virtue of a court order. In these instances, a release signed by the patient is not required.

Most patients feel uneasy about other people reviewing their therapy notes. In lieu of releasing my office notes, I am willing to prepare a brief written summary of a patient's treatment. I generally release the summary after the patient has had an opportunity to review it, although will at times make an exception based on the patient's written authorization to send out the summary without his or her having looked it over.

I do not charge for writing the summary if the purpose is to provide information to another treatment provider. I do charge when the purpose of writing the summary is to provide information to an attorney, a court, or an insurance company.

With regard to forensic (court-related) records, I take notes during each evaluative session and when matters of substance are discussed by telephone. The notes are placed in a file along with other documents that I obtain during the course of an evaluation. Attorney(s) on either side of an unresolved legal matter may legitimately request a complete copy of the evaluative file(s) as part of a discovery process. In that event, a release signed by the person(s) I have evaluated is not required unless the file is considered work product.

There are unique roles that I play in the context of divorce-related cases. The release of records when I serve as a court-appointed Parental Responsibility Evaluator (PRE) is governed by C.R.S. 14-10-127. Reports that I prepare as a PRE are sealed by the Court, meaning that I am unable to release a copy of the report or the file to anyone who is not an attorney of record or a party to the case without a court order.

With regard to PREs, I do not release a copy of a file(s) until I have completed my report.

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I do not release records that I maintain as a Parenting Coordinator, Decision-Maker, Mediator, or Arbitrator (four other roles that I assume in the context of a domestic case), although certain information obtained during the course of these processes may be included in Decisions, Memoranda of Understanding, or Arbitration Awards that are filed with the Court. I do not release the remaining contents of the file(s) due to Colorado statutes and professional standards that apply to each of these roles.

I charge for copying forensic records in accordance with the rate established by the Colorado Department of Public Health and Environment. Payment must be made prior to the release of the records. In the alternative, I am willing to provide the file(s) to a reputable copying service that then makes a copy for each attorney who has asked for one. In that event, the attorney(s) must pay the copying service directly.

Since I maintain clinical and forensic records for ten years, it is likely that either a patient or a person I am evaluating for the courts will need access to the file(s) during a portion of my retirement. In that event, a request for such information can be sent to me using the email address noted above.

I trust that this policy is complete and clear. Should you have questions, please feel free to let me know.

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