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## **Duties of the Commissioner of Mental Health**

### **Sec. 17-210a (p)-1. Definitions**

As used in these regulations:

(a) "Clinical staff" means a psychiatrist, physician, registered nurse, licensed practical nurse, psychologist, psychiatric social worker, licensed physician's assistant or pharmacist employed by the Department of Mental Health or a crisis intervention program funded by the Department of Mental Health.

(b) "Crisis intervention program funded by the Department of Mental Health" means a program, which either is operated by the Department of Mental Health or is funded through a grant or contract with the Department of Mental Health, to provide emergency psychiatric services and to assist with crisis resolution.

(c) "Department" means the Department of Mental Health.

(d) Department of Mental Health Facilities means those hospitals or other facilities operated by the Department of Mental Health which provide treatment for adults with mental illnesses. These facilities include: Capitol Region Mental Health Center, Cedarcrest Regional Hospital, Connecticut Mental Health Center, Connecticut Valley Hospital, Franklin S. DuBois Center, Fairfield Hills Hospital, Greater Bridgeport Community Mental Health Center, Norwich Hospital, and Whiting Forensic Institute.

(e) "Diagnosis" means the process of identifying or determining the existence or nature of a disorder through examination or the opinion derived from such an examination.

(f) "Disclosure" means to make information in the patient's record known, whether in written or oral form.

(g) "Patient" means any person who presents for diagnosis or treatment in a Department of Mental Health facility or a crisis intervention program funded by the Department of Mental Health.

(h) "Patient consent" means consent given in writing by the patient or his authorized representative in compliance with Section 52-146e (b) of the Connecticut General Statutes.

(i) "Records of previous treatment" means patient medical information pertaining to diagnosis or treatment obtained from the patient and other sources, including the medical record, and maintained at a Department of Mental Health facility or crisis intervention center funded by the Department of Mental Health.

(j) "Treatment" means the engaging of persons in a particular plan of action, the aim of which is to arrest, reverse, ameliorate or stabilize the patient's presenting disorders; primarily, but not solely, focussing on the mental condition of the patient.

(Effective October 4, 1995)

### **Sec. 17-210a (p)-2. Disclosure process**

The procedure for disclosure is as follows:

(a) A clinical staff member who is engaged in the diagnosis or treatment of a patient may request access to the patient's record of previous treatment in order to accomplish the objectives of diagnosis or treatment of the patient.

(b) Disclosure of information related to the identity of prior or current clinicians, drug dosage reaction allergies, tolerance to medication, presenting symptoms and behaviors, and/or substance abuse automatically shall be deemed necessary to accomplish the objectives of diagnosis or treatment of the patient.

(c) The clinical staff member in possession of any requested record may, without patient consent, release any information, in addition to that listed in subsection (b) of this section, from that record if, in

his or her judgment, that information would assist in the accomplishment of the objectives of diagnosis or treatment.

(Effective October 4, 1995)

**Sec. 17-210a (p)-3. Maintenance of records**

Each record of a patient's previous treatment obtained under these regulations shall be filed with the patient's medical record at the Department of Mental Health facility or crisis intervention program which requested this information. The provisions of Section 4-193 (c) of the Connecticut General Statutes shall apply to any disclosures of records made in accordance with these regulations.

(Effective December 21, 1990)

**Sec. 17-210a (p)-4. Confidentiality**

Each Department of Mental Health facility or crisis intervention program funded by the Department of Mental Health shall have and utilize a written policy and procedure for ensuring the confidentiality and security of records which conforms to the requirements of state and federal confidentiality laws, including but not limited to:

- (a) a description of the process and requirements for disclosure of confidential information;
- (b) copies of forms for documenting the disclosure of confidential information and for obtaining the written consent of the patient when such consent is required; and,
- (c) staff training in the requirements of state and federal laws related to confidentiality of client records.

(Effective December 21, 1990)