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PATIENT REQUEST TO HAVE RECORDS:

The legislature finds and declares that every person having ultimate responsibility for the decision respecting his or her own health care also possesses a concomitant right of access to complete information respecting his or her condition and care provided **California Health & Safety Code #123100**

If you request your therapeutic records the following protocol must be followed:

- 1. Requests must be in writing
- 2. Therapist has five working days to respond to a request submitted in writing
- 3. Upon such a request, the therapist may:
 - . Allow an inspection
 - . Provide a copy of the actual records
 - . Provide a summary
 - . Refuse to comply with the request
- 4. Inspection:

. If the therapist decides that the method of access shall be inspected, the therapist has five business days to make the client's treatment records available for inspection.

• Not always a practical choice: therapist must be present to protect the records, requiring time, perhaps charging a fee for the time, etc.

5. Copies:

. If the therapist decides to permit the client access to the records she will then make copies.

The therapist has 15 business days after receiving the request in writing to produce copies.

The therapist may charge up to 25 cents per page.

6. Summary:

"If the health care provider chooses to prepare a summary of the records rather than allowing access to the entire records, she shall make the summary of the records available to the patient within 10 business days from the date of the patent's request." **California Health & Safety Code #123130**

The summary shall contain:

- . Chief complaints and pertinent history
- . Findings from consultation and referrals to other health care providers.
- . Diagnosis, where determined
- . Treatment Plan
- . Progress of the treatment
- . Prognosis including significant continuing problems or conditions.

7. "When a health care provider determines there is a substantial risk of significant adverse of detrimental consequences to a patient in seeing or receiving a copy of mental health records requested by the patient, the provider may decline to permit inspection or provide copies of the records to the patient." **California Health &**

Safety Code #123135

8. Refusal to comply with Request:

. It is clear by the wording of the statute that a refusal to comply would be taken only in extraordinary cases in which the therapist was protecting the client.

. Even in such circumstances, the law says the therapist may decline to permit inspection or provide copies; it does not say anything about declining a summary.

. However if a therapist thought that even including a diagnosis (as required in the summary) would cause the harm described in the statute, the therapist could refuse.