

2.5.10. CONFIDENTIAL FILES, PATIENT CHARTS, AND CASE PACKAGES

- All information and records obtained by CRSS personnel in the course of providing mental health intervention and evaluations services for voluntary and involuntary clients shall be confidential pursuant to Section 5328 WIC.
 - Essentially “confidentiality” mandates the restriction of the disclosure of any information about the client’s mental health history, including:
 - Diagnosis;
 - Treatment; and,
 - Medication.
 - This information is for the exclusive use of MEU personnel and receiving mental health facility personnel. No confidential client mental health or medical information shall be released to any other law enforcement entity, except as delineated in Section 5328WIC.
 - All official police files, documents, records, reports, criminal history and other information regarding MEU contacts are also confidential under the provisions of the law.
 - **Federal / State Statutes and Regulations**
 - Health: HIPAA/ 45 CFR 164
 - Substance Use: 42 CFR Part 2
 - Educational Records: Federal Educational Rights and Privacy Act (FERPA)
 - California Welfare and Institutions Code 5328
 - Criminal Offender Information (CORI) Ca. Penal Code 11075-11081
 - **HIPAA provides a number of circumstances where information can be shared without consent for security purposes (45 CFR sec. 164.512 (f) and (k)(5)):**
 - Under (f): to assist law enforcement, e.g.;
 - When there is a state law duty to report;
 - In response to subpoenas, etc.;

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- “for the purpose of identifying or locating a suspect, fugitive, material witness, or missing person” (but not ALL information); and,
- Under (k)(5): Correctional institutions and other law enforcement custodial.

Note: The MEU supervisor will confer with the LACDMH supervisor as to the appropriateness of the release of any information.

- Pursuant to the interagency MOA, LACDMH client records and LAPD investigative files, reports, and criminal offender records may be shared between the MEU SMART and CAMP team members for the purpose of the proper management and wellbeing of the person in crisis, who has been contacted.
- All LACDMH client records shall be stored separately from all LAPD investigative files and reports
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Note: LAPD and LACDMH supervision are responsible for the audit of their respective files and charts to ensure compliance with the privacy laws.