

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 60.—Licensing of Community Mental Health Centers

30-60-47. Confidentiality and release of information.

(a) Each licensee shall adopt and adhere to written policies and procedures that shall ensure the confidentiality of the clinical record, and all portions of that record, and any other information concerning each consumer who has at any time requested or received, or who is currently receiving any services from the licensee. These policies and procedures shall be consistent with any applicable federal or state law, regulation, or rule concerning the confidentiality of that information.

(b) The clinical record, any portion of that record, or any information concerning any consumer who has ever requested or received or who is currently receiving any services from a licensee shall be released only as authorized by law or upon the written authorization of that consumer, or, if applicable, of the parent, legal guardian, or other appropriate representative of that consumer. This authorization shall contain the following:

(1) The name of the consumer whose clinical record, or any portion of that record, or about whom information is being authorized to be released;

(2) the name and address of, or other information identifying, the person or agency to whom the consumer's clinical record, any portion of that record, or any other information is being authorized to be released;

(3) the name of the licensee or the staff member employed by the licensee being authorized to release the consumer's clinical record, any portion of that record, or any other information;

(4) the reason or purpose for the release of the consumer's clinical record, any portion of that record, or any other information;

(5) (A) A clear indication that the entire clinical record is to be released;

(B) a clear description of the specific portion of the clinical record that is to be released; or

(C) a clear description of what other information is being authorized to be released;
(6) the date, event, or condition upon which the authority to release any information or any portion of the clinical record will expire;

(7) a statement that the consumer authorizing the release of the clinical record, any portion of that record, or any other information reserves the right, to, at any time before this authorization would otherwise expire, revoke the authorization except for any information or record or portion of that record that has already been released, and information concerning how this revocation may be effected;

(8) the date on which the authorization is signed; and

(9) the printed name and the signature of the person authorizing the release, whether the consumer or, if applicable, the parent, legal guardian, or other appropriate representative of the consumer.

(c) Before the release of a consumer's clinical record or any portion of that record, or any other information concerning any consumer who has at any time requested or received any services from a licensee or who is currently receiving any services from a licensee, the staff member making the release shall make a reasonable effort to ensure that the authority or authorization upon which the release is being made is in the proper form and, in the context made, seems appropriate. If the staff member believes that any question should be raised concerning the release of any information or record, or portion of any record, that staff member shall make a reasonable effort to confirm the propriety of the release.

(Authorized by K.S.A. 75-3307b; implementing K.S.A. 39-1603, 39-1604(d), 39-1608(a) and (c), 65-4434(f), and 75-3304a; effective Oct. 28, 1991; amended July 7, 2003.)

***** Authenticated Kansas Administrative Regulation *****