**Texas Law and Privacy Notice to Patients**

In general, Texas law provides greater protections for the confidentiality of medical and mental health information than HIPAA, and affords an individual a greater right of access to his/her own information as well. Such extension of protection and patient rights may be found in the Texas Health and Safety Code Chapter 611. Hence, a patient has the right to access the content of confidential records made about him/her, subject to limitations set forth in Chapter 611:

**No Exclusion for Psychotherapy Notes and Deletion of Third Party Information -**

There is no exclusion for "psychotherapy notes" in Chapter 611 of the Texas Health and Safety Code. However, Texas Health and Safety Code section 611.045(g) requires a professional (psychiatrist, licensed counselors and therapists, social workers and licensed sex offender treatment providers) to delete confidential information about another person who has not consented to the release of information in a patient's record, but may not delete information relating to the patient, the identity of the person responsible for that information ,or the identity of any person who provided information that resulted in the patient's commitment.

**Authorization Required for Any Disclosure of Confidential Information -**

The professional is required to have the written authorization of the patient to release records to any person or entity, or verbally discuss any aspect of the patient's treatment with any person.

*Release of Psychological Test Data* - Psychological test data (testing booklets, answer pages, and other raw data) are not considered part of a patient's record and are not subject to a subpoena. TAC section 465.22(c)(4)(A) and (B). Psychological test data may only be disclosed to another qualified (EXCLUDES Licensed Professional Counselors, Licensed Marriage and Family Therapists, and licensed Social Workers) mental health professional with the patient's written consent or pursuant to a court order.

*Withdrawal of Authorization to Release Records -*

A patient may also withdraw and revoke their consent to release information at any time as long as such revocation is received by the professional in WRITING.

**Statutory Fee Waivers -**

Under Texas law, a heatlhcare provider may not charge a fee for medical or mental health records when the records are sought for the purpose of qualifying for, or appealing a denial of benefits under related to public assistance such as Texas Aid for Nutrition and Families (TANF), Medicaid, Medicare, Federal Old Age and Survivors Insurance and Supplemental Secutiy Income for the Aged, Bling or Disabled. Texas Health and Safety Code section 161.202(c) and Chapter 611. Such waivers must be accompanied by substantiating documentation and does NOT take the place of an authorization from the patient.

Note - a provider is not required to provide more than one complete record for a patient without charge but will be required to supplement the records without charge when requested to do so.

**Here at Katy Psychiatry**

We will not release records to an attorney without a signed authorization from a patient, a Court Order for the release of records, or a Court Subpoena ordering the provider to release the specific records.

We do NOT create or manage a hospital directory. We do however take and store patient photos in our EMR with encryption technology for medical clinic operations only at Katy Psychiatry. These photos and images will never be used for teaching or publication purposes without separate and prior written consent from our patients.