

2150.7520 ACCESSING AND RELEASING PRIVATE INFORMATION.

Subpart 1. **Right to access and release private information.** A client has the right to access and release private information maintained by the provider, including client records as provided in Minnesota Statutes, sections 144.291 to 144.298, relating to the provider's counseling services to that client, except as otherwise provided by law or court order.

Subp. 2. **Release of private information.** When a client initiates the release of private information, the request must be in writing and signed by the client. Informed consent is not required. When the request involves client records, all pertinent information shall be released in compliance with Minnesota Statutes, sections 144.291 to 144.298. However, if the provider initiates the release of private information, written authorization for release of information must be obtained from the client and must minimally include:

- A. the name of the client;
- B. the name of the individual or entity providing the information;
- C. the name of the individual or entity to which release is to be made;
- D. the types of information to be released, such as progress notes, diagnoses, assessment data, or other specific information;
- E. the purpose of the release, such as whether the release is to coordinate professional care with another provider, to obtain insurance payments for services, or for other specified purposes;
- F. the time period covered by the consent;
- G. a statement that the consent is valid for one year, except as otherwise allowed by statute, or for a lesser period that is specified in the consent;
- H. a declaration that the individual signing the statement has been told of and understands the nature and purpose of the authorized release;
- I. a statement that the consent may be rescinded, except to the extent that the consent has already been acted upon or that the right to rescind consent has been waived separately in writing;
- J. the signature of the client or the client's legally authorized representative, whose relationship to the client must be stated; and
- K. the date on which the consent is signed.

Subp. 3. **Dual client records.** Whenever counseling services are provided to dual clients, each client has the right to access or release only that information in the records that the client has provided directly or has authorized other sources to provide, unless otherwise directed by law or court order. Upon a request by one client to access or release dual client records, that information in the records that has not been provided directly or

by authorization of the requesting client must be redacted unless written authorization to disclose this information has been obtained from the other client.

Subp. 4. **Board investigations.** The provider shall release to the board and its agents private information that the board and its agents consider to be germane to the investigation of all matters pending before the board that relate to its lawful regulation activities.

Statutory Authority: *MS s 148B.52*

History: *30 SR 345; L 2007 c 147 art 10 s 15*

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