CARE Act

Community Assistance, Recovery, and Empowerment Act

Information Sharing with Family Members

Several federal and state laws govern privacy and confidentiality of health-related information. This includes mental health and substance use information. These laws include the federal Health Information Portability and Accountability Act (HIPAA), the Title 42 of the Code of Federal Regulations (CFR) Part 2, the California Confidentiality of Medical Information Act (CMIA), and the Lanterman-Petris-Short (LPS) Act. These laws and regulations have requirements that practitioners must follow. Health-related information is confidential. It may not be shared without the patient's consent.

❯ Overview

Information Sharing Regulations

Laws and regulations allow for sharing information between specific individuals or agencies and in specific situations, like the Treatment, Payment and Operations clause in HIPAA.

These laws and regulations don't allow sharing information with family members, unless the patient consents. There's an exception for medical emergencies.

To help family members understand the protections around health-related information, health care practitioners must provide written information of their privacy practices. They should also be prepared to explain the laws and limits on their ability to share information.

> **Health-related information is confidential. It may not be shared without the patient's consent.**

Sharing Information During the CARE Act Process

The rules regarding information disclosures are complex. They can be frustrating for those who want to discuss information with the practitioners providing care to their family members.

While the laws can stop practitioners from sharing information with families, families can share information with practitioners. This information can help treatment teams understand the person's history with mental illness and services.

Families can also provide helpful background on a person. This background can include their strengths, interests, past treatment activities, and preferences. This information can help treatment teams better understand which services, supports, and treatment could best help a person recover.

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Sharing Information with a Service Provider

When sharing information with a service provider, family members should keep in mind:

1. The information flow may only be "one way." The provider might not be able to share protected health information in return. This could include replying, confirming, or adding more detail.

2. It can be helpful to write information down when sharing it with practitioners. Written information allows it to be documented and shared with others providing care.

3. Providers often add this information to the electronic health record. This means it may be shared with the person receiving care. Family members should know that anything they share with the provider may be shared with the person.

Information That Families Can Consider Sharing:

- Medications and interventions that have been the most and least effective in the past.

- Mental and physical care providers the person has received treatment from.

- The person's strengths, interests, hobbies, and goals.

- How to know the person is doing well and not doing well.

- Support networks.

- Past and current living situations.

- Medical history, including diagnosis history and co-occurring diseases.

- Situations that might stress or trigger the person.

- Existence of an advance health care directive or psychiatric advance directive (PAD).

Additional Family Support

For more guidance, it may be helpful to consult with a family advocacy service. This could include NAMI. There are NAMI affiliates across California. Click to find a NAMI affiliate near you.

For more information on California's health information privacy laws, see the State Health Information Guide at State Health Information Guidance 1.2.

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