



HIPAA Helps Caregiving Connections

HIPAA helps mental health professionals to prevent harm

Psychiatrists, psychologists, psychiatric nurses, clinical social workers, mental health counselors, and other professionals who provide treatment to patients with a mental health condition may share protected health information, including mental health information, in order to treat patients and prevent them from harming themselves or others.¹ HIPAA helps mental health professionals by allowing them to make decisions about when to share mental health information based on their professional judgment about what is in the best interests of the patient or what is needed to prevent or lessen a risk of harm.

When patients have thoughts of harming themselves or others, or when patients exhibit behavior that demonstrates a threat of harm to health or safety, mental health professionals need to be able to use their expertise and professional judgment to identify a potential or likely risk and determine who can help lessen the potential for harm. Several approaches are available under HIPAA to address situations where contacting a patient's family, friends, or others involved in their care (including a personal representative) may be helpful in reducing the potential for harm:

- A health or mental health professional may always share mental health information with a patient's personal representative (if they have one).
- A health or mental health professional may share mental health information with family, friends, or caregivers, if the patient agrees, or does not object, and the information is relevant to the family member, friend, or caregiver's involvement with the patient's health care or the payment for such care. For example, a psychotherapist may contact a close friend of a patient in crisis (who has brought the patient to sessions in the past) and enlist the friend's assistance to take the patient to a psychiatric consult or to pick up new medication. Also, a therapist may contact a patient's mother, if the patient's mother has been involved in coordinating the patient's appointments, to ensure the patient attends. If the patient is mentally incapacitated, the psychotherapist may decide that

¹ Different rules may apply if the health or mental health provider receives federal funds in connection with a substance use disorder treatment program. This fact sheet does not address such rules.

disclosing relevant mental health information to involved family, friends or caregivers is in the patients' best interests, even if the patient is unable to agree or object.

- A health or mental health professional may contact anyone who is reasonably able to lessen the risk of harm when they believe that a patient presents a serious and imminent threat to the health or safety of a person (including the patient) or the public. HIPAA helps professionals by ensuring that mental health information can be shared to prevent harm when the provider believes that it is necessary and the information is shared with someone who can help lessen the potential harm. For example, if a patient tells their psychotherapist that they have persistent images of harming their spouse, the psychotherapist may:
 - notify the spouse;
 - call the patient's psychiatrist or primary care doctor to review medications and develop a plan for voluntary or involuntary hospitalization or other treatment;
 - call 911, if emergency intervention is required; and /or
 - notify law enforcement, if needed.

OCR would not second guess a health professional's judgment about when a patient seriously and imminently threatens their own, or others, health or safety. For more information, see OCR's Guidance on Sharing Mental Health Information: <https://www.hhs.gov/hipaa/for-professionals/special-topics/mental-health/index.html>.