

**645—243.3(154B) Access to records.**

**243.3(1) *Clinical records generally.*** Upon a signed release from the patient or the patient's personal representative, a licensee shall provide clinical records in accordance with the release unless there is a ground for denial under HIPAA.

**243.3(2) *Psychotherapy notes.*** A licensee is not required to release psychotherapy notes in response to a signed release, but a licensee who chooses to release psychotherapy notes may only provide psychotherapy notes if the signed release specifically authorizes the release of psychotherapy notes.

**243.3(3) *Substance use disorder treatment programs.*** Licensees who practice in a federally assisted substance use disorder treatment program, also known as a part 2 program, are prohibited from disclosing any information that would identify a patient as having a substance use disorder unless the patient provides written consent in compliance with part 2 requirements.

**243.3(4) *Clinical records of minor patients.*** A minor patient is a patient who is under the age of 18 and is not emancipated. A licensee is not required to release the clinical records of a minor patient to the minor's personal representative if releasing such records is not in the minor's best interest. When a minor patient reaches the age of 18, the clinical records belong to the patient.

**243.3(5) *Clinical records of deceased patients.*** A licensee shall provide the clinical records of a deceased patient to the deceased patient's executor upon a written request accompanied by a copy of the patient's death certificate and a copy of the legal document identifying the requestor as the patient's executor.

**243.3(6) *Forensic records.*** A licensee shall provide forensic records consistent with the APA Specialty Guidelines for Forensic Psychology.

**243.3(7) *Board.*** A licensee shall provide clinical records, test data, or forensic records to the board as requested during the investigation of a complaint. A licensee is not required to obtain a patient release to send such information to the board because the board is a health oversight agency.

**243.3(8) *Exceptions.*** Nothing herein shall be construed as requiring a licensee to disclose information when there is a legal basis for not disclosing the information.

[ARC 5905C, IAB 9/8/21, effective 10/13/21]