

CONFIDENTIALITY

In addition to Colorado laws requiring a release from you before information can be given to others, other laws about confidentiality are contained in the federal HIPAA (Health Insurance Portability and Accountability Act). These regulations protect the privacy and the rights of persons with mental illness in many areas of life and treatment.

What can family members of an adult do when there is no release signed due to impaired thinking, stigma, or incapacity during an episode, or personal choice?

The most important action for relatives and supporters is to ask for a signed release of information when the individual is not under stress or in an impaired state.

However, the State of Colorado recognized that families need information at times when a release has not been signed. State "27-10" statutes allow information to be shared with family members in two situations if informed consent is not possible. One situation is to relieve family anxiety if the person doesn't come home when expected because of hospitalization; the other is to allow access to information that a family needs to more effectively help that person.

Family members can be told of a hospitalized patient's location upon request and if such information would not be detrimental to the patient. If denied information, family members can get assistance from Colorado Division of Mental Health (303) 866-7191 or 1-800-811-7648 for location information.

Family members involved in the care of a person with mental illness can be given information about the patient's diagnosis, prognosis, medications, side effects and general treatment without a signed release, if the mental health professional determines that the person is too impaired to make a good decision, and it is in the person's best interest for the family to know what is going on. This applies to inpatient as well as community treatment.