



**DEPARTMENT OF MENTAL HEALTH  
POLICY/PROCEDURE**

SUBJECT <b>INCLUSION OF THIRD PARTIES IN CLIENT SESSIONS</b>	POLICY NO. <b>501.10</b>	EFFECTIVE DATE <b>08/29/2016</b>	PAGE <b>1 of 3</b>
APPROVED BY: <i>Robin Kay, Ph.D.</i> Acting Director	SUPERSEDES <b>N/A</b>	ORIGINAL ISSUE DATE <b>08/29/2016</b>	DISTRIBUTION LEVEL(S) <b>1</b>

**PURPOSE**

- 1.1 To establish guidelines for the inclusion of third parties in a client’s mental health session.

**DEFINITION**

- 2.1 **Assessment:** Documentation on any assessment form of the evaluation of a client’s mental, physical, and emotional health which is used to:
  - 2.1.1 Create a comprehensive description of the client, including the provision of a diagnosis;
  - 2.1.2 Determine whether a client meets medical necessity; and
  - 2.1.3 Guide the development of treatment goals.
- 2.2 **Disclosure:** The release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.
- 2.3 **Protected Health Information (PHI):** Individually identifiable information relating to the past, present, or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present, or future payment for health care provided to an individual.
- 2.4 **Particular Sensitive Health Information:** PHI that is generally considered highly confidential including, but not limited to mental health, substance abuse, genetics, and sexually transmitted disease information, including HIV/AIDS.
- 2.5 **Third Party:** A person who is not a spouse, significant other, parent, legal guardian, child, sibling, relative, or conservator of a client.



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2.6 **Workforce:** Employees, Legal Entity Practitioners, Fee-For-Service Practitioners, Locum Tenens, Interns, Volunteers, Contract Workers, and other persons whose conduct in the performance of work for Los Angeles County Department of Mental Health (LACDMH) or its offices, programs, or facilities is under the direct control of the LACDMH, office, or program, regardless of whether they are paid by the LACDMH.

**POLICY**

- 3.1 The presence of a third party shall be permitted during a client session (including assessments or therapeutic encounters) if the client expressly requests that party's presence after the clinician conducting the session has advised the client of any risks and/or benefits of that presence.
- 3.2 The client's request and the content of the interviewer's advisement must be documented in the clinical record, along with a signed authorization form, if needed.

**PROCEDURE**

- 4.1 LACDMH workforce members shall inform the client about sessions, including the assessment process which may include questions about PHI and the risk and benefits of including a third party in a session or assessment process.
- 4.2 If the client requests a third party to be present during his/her assessment or session, the LACDMH staff/clinician shall require the client to sign an Authorization for Use or Disclosure of Protected Health Information. (Attachment 1)

**AUTHORITY**

- 1. Code of Federal Regulations Parts 160 and 164 Section 164.508, Use and Disclosure for which an Authorization is Required
- 2. California Welfare and Institutions Code § 5328(b) and (d)
- 3. Health Insurance Portability and Accountability Act, 45 Code of Federal Regulations Sections 164.502 (a) and 164.514 (b)



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## **REFERENCE**

1. LACDMH Policy No. 500.03, Minimum Necessary Requirements for Using and Disclosing Protected Health Information
2. LACDMH Policy No. 500.01, Use and Disclosure of Protected Health Information Requiring Authorization

## **ATTACHMENT (HYPERLINKED)**

1. [Authorization for Use or Disclosure of Protected Health Information](#)

## **RESPONSIBLE PARTY**

LACDMH Office of the Medical Director