



## Public Discussion on Confidentiality and Privacy Issues Related to Psychological Testing Data

### Department of Health and Human Services Chicago - October 7, 2010

The Substance Abuse and Mental Health Services Administration (SAMHSA), in close cooperation with the Department of Health and Human Services (DHHS) Office for Civil Rights (OCR), is conducting a study of the “Confidentiality and Privacy Issues Related to Psychological Testing Data.” This study was specifically called for in section 13424 of the Health Information Technology for Economic and Clinical Health (HITECH) Act, a component of the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5).

**The Issue:** HIPAA’s Privacy Rule includes special protections relating to the use and disclosure of *psychotherapy notes*; should these special protections also be applied to “*test data* that is related to direct responses, scores, items, forms, protocols, manuals or other materials that are part of a mental health evaluation?”

SAMHSA is hosting a regional public meeting at the DHHS Region 5 office in Chicago, Illinois, on October 7, 2010. This is a chance for you to learn about this issue and express your opinions. Registration is necessary, but there is no charge for attending. Another regional meeting will be held this year in Los Angeles in late November or early December.

**Who should attend?**      Mental health professionals                      Consumers  
   Health care providers and health plans                      Agency administrators  
   Health information technology experts                      Test developers

**Date:**                      October 7, 2010

**Time:**                      9:30 AM to 4:00 PM  
(Please arrive early to allow time to go through the security process)

**Registration:**              Please pre-register for security and to make entry easier at:  
<http://www.regonline.com/TestDataPrivacyRegionalMeetingChicago>

**Location:**                      Department of Health and Human Services Region 5  
   233 North Michigan Avenue  
   Chicago, IL 60601

**Meeting Room:**              Suite 1329

**Lunch:**                      Several restaurants and coffee shops are in the building or nearby.



## Confidentiality and Privacy Issues Related to Psychological Testing Data

### The significant concepts and issues being addressed in this project include:

- What activities and information are considered the “test data” that is part of a mental health evaluation? What are the relevant distinctions among test materials, raw data, and reports or assessments with respect to the level of protection currently afforded and/or otherwise necessary?
- Does the individual (i.e., the subject of the test data) need to know, or have an interest in, inspecting or obtaining a copy of such information?
- Are there circumstances under which test data should be disclosed to third parties? Should the individual’s authorization be required prior to such a disclosure? To whom should test data be released?
- How would affording mental health test data a higher level of protection affect the workflow in medical, behavioral health, or psychological practices? Are there any additional implications with respect to clinical integration efforts and the increasing availability of mental health services in general health care settings?
- How is the issue of greater protection for test data affected by State and Federal laws other than HIPAA?
- In light of the increasing reliance on electronic health records and the exchange of electronic health data, what are the implications of setting more stringent requirements for the use and disclosure of test data?

**Meeting Format:** Small groups will consider these and other central questions following brief presentations by SAMHSA’s and OCR’s study team.

For further information about this upcoming Regional Meeting or about the Confidentiality and Privacy Issues Related to Psychological Testing Data project, please contact SAMHSA’s contractor or the Government Project Officer:

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