



Health Information Management Bulletin

Quality Assurance Unit

County of Los Angeles – Department of Mental Health

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Authorization for Use or Disclosure of Protected Health Information (Directly-Operated Only)

This Bulletin provides updated guidance to Directly Operated (DO) providers on the authorization for use or disclosure of protected health information (PHI) and associated form (MH602 - Authorization for Use or Disclosure of PHI). This updated guidance is effective July 1st, 2024.

California Assembly Bill 352 amends Sections 56.101 and 56.108 of the Civil Code and adds Section 56.110 to the Civil Code. It also amends Section 130290 of the Health and Safety Code relating to health information. With these amendments, AB 352 implements privacy protections for information related to gender-affirming care, abortion, abortion-related services, and contraceptives. It also aims to prevent out-of-state prosecution of individuals who travel to California for abortion, reproductive health services, or gender-affirming care. The bill mandates that businesses, including the Department of Mental Health, handling sensitive medical information must implement security measures by July 1, 2024 to protect information related to abortion, reproductive health services, or gender-affirming care.

To comply with AB 352, the MH 602: Authorization for Use or Disclosure of PHI form has been updated. All DO providers must use the updated form effective July 1st, 2024, which includes the following updates:

- ✓ Added an option to explicitly authorize PHI release relating to Abortion and/or Reproductive Health Care
- ✓ Clarified discrepancies of the California and federal laws relating to re-disclosure
- ✓ Added the authorization will expire automatically after 1 year unless otherwise indicated
- ✓ Added option of the 'event' occurrence that triggers expiration in lieu of the one-year expiration date

Note: An expiration event is an occurrence relating to the client, for whom the clinical information pertains, after which the provider is no longer authorized to disclose the clinical information. Examples of events include: "end of the research study" and "end of legal representation".

Requests to release PHI submitted with third-party authorization (i.e., not on the DMH form) should be accepted even if the authorization does not explicitly permit the release of information related to abortion, reproductive health services, or gender-affirming care. However, if it is not explicitly permitted, this information must not be disclosed.

If Directly Operated providers have any questions related to this Bulletin, please contact the Health Information Management (HIM) Medical Records team at DMHMedicalRecords@dmh.lacounty.gov.

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