

**“Privacy and Confidentiality and the Appropriate Use of Mental Health Information”
Symposium, November 1997**

- Symposium participants reached consensus on three principles: (1) consumers have the right to see and amend their own records if they believe there are errors; (2) people have a right to know how their records are being used and by whom; and (3) strict penalties should be in place for violation of confidentiality rules.
- They were not able to arrive at a consensus on the following issues: (1) Federal vs. state regulations (50 state laws guide the release of health information) — should one federal law supercede them? (2) Special treatment for sensitive aspects of individuals’ health record — should information about mental illness or substance abuse be more difficult to access than the rest of the medical record? (3) Informed vs. presumed consent — should an individual give permission before every release of his health information, or should we presume that some releases are standard? (4) Access by law enforcement providers — should law enforcement officials who pursue a criminal investigation have access to a patient’s health records? (5) Penalties for misuse of personal health information — should health care professionals be penalized for breaches of confidentiality? Can health care professionals be held to a different standard of law than financial or administrative personnel? (6) Unique personal health identifier — what are the perils of using a unique personal health identifier number, similar to a Social Security number, which can be linked to other personal information?

COMMUNICATIONS

The grantee published proceedings for each of the symposia. Some 3,000 copies of *Managed Care in the Public Interest* were distributed to individuals and organizations representing various stakeholder groups. *Healthy Employees, Healthy Companies: Mental Health in the Workplace* also received wide distribution. *Privacy and Confidentiality in Mental Health Care* will be published in October 1999.

NEXT STEPS

The Carter Center plans to continue the symposium series. Following the 1995 symposium, The Carter Center Mental Health Task Force and Program embarked on a multi-year anti-stigma campaign aimed at people outside the mental health community (media, business, education, health, and faith sectors). It planned to conduct a post-symposium survey of 1996 participants to determine what actions they had taken in response to the event. The Carter Center plans to have input into discussions about confidentiality at the national and state levels.