SAN MATEO COUNTY HEALTH
BEHAVIORAL HEALTH & RECOVERY SERVICES

BHRS QM Updates & Q&A – September 9, 2020

Focus on Release of Information

v.2020.9.10

Ask QM Questions September 9, 2020

FAQs

- Q1: What are the specific steps I take when I receive a subpoena?
- Q2: What steps do I take when I get a records request?
- Q3: Can we accept ROIs from third parties?
- Q4: What do I do if I can't get a hold of a client to confirm the release of records?
- Q5: Are there any limitations for releasing third party documents from the client's chart?
- Q6: What types of information can I send via email/text to the client?
- Q7: What information should never be sent via email or text, even with secure email?

HS_BHRS_ASK_QM@smcgov.org

V2020.8.21

SAN MATEO COUNTY HEALTH
BEHAVIORAL HEALTH & RECOVERY SERVICES

Q1: What are the specific steps I take when I receive a subpoena or court order?

- Email Subpoena or Court Order to HS_BHRS_ASK_QM@smcgov.org
- Talk to your client about the request
- Get a signed consent form, scan the consent into Avatar, and send it to QM
- The next steps you take depend on if your client wants you to share the requested information

Q1: What are the specific steps I take when I receive a subpoena or court order? (Cont.)

If the client does not want you to share:

- QM will send a letter to the attorney
- You still may need to attend court- QM & County Counsel will advise you
  - CA law (W&I Code 5328(f))

If the client wants you to share:

- ROI is required - QM will assist in this process
- If the request is to testify – QM will connect you with County Counsel

FAQs

Q2: What steps do I take when I get a records request? Does it matter who is requesting the records?

- Check there is an ROI on file for the person and information requested
- Contact your client to verify they want the information released
- A clinical staff member must review the info prior to release
- AOD 42 CFR providers still need consent to talk with other treatment providers outside of their agency unless it is an emergency.

< FAQs

Q2: What steps do I take when I get a records request? Does it matter who is requesting the records?

- Adult clients, and minors who COULD have or DID consent to their own care, or the client's designated legal representative, have a right to ACCESS the client's record. Parent access depends on if minor consented or could have consented to their own care
- **Third parties- non-treating providers:** Must have ROI in place
- **Exception:** Concern that access will cause **death or serious physical harm, or** info in the record was shared in confidence by a family member.

FAQs

Q3: Can we accept ROIs from third parties? Or does the client need to sign the BHRS ROI?

- You may accept ROI’s signed by the client from third parties
- If you have any concerns, contact the client to verify
- You may also request that the BHRS ROI be signed as an extra precaution
- Scan a copy of all ROIs to the chart
- AOD 42 CFR providers still need consent to talk with other treatment providers outside of their agency unless it is an emergency.

FAQs

Q4: What do I do if I can't get a hold of a client to confirm the release of records?

Acceptable alternatives if you cannot reach the client:

- You may verify the signature by comparing it against other signed documents in the chart

FAQs

Q5: Are there any limitations for releasing third party documents from the client's chart?

Documents that should not be released include:

- CPS reports
- Court documents
- Info from AOD programs

< FAQs

Q6: What types of information can I send via email/text to the client?

- Text and email are most appropriate for scheduling appointments
- You can email the following items using secure email:
    - Forms to be signed
    - Community resources
- Send all emails securely using #sec# in case the client responds back with PHI

Q7: What information should never be sent via email or text, even with secure email?

- Use caution and clinical judgement regarding the type of information you send via text/email
- You may not send PHI via text message
- If you must send PHI electronically, send via secure email
- Therapy should not be conducted via text/email

** There are rare exceptions. Consult with QM if needed*

Resources

- **BHRS Legal Updates Presentation** (3 part YouTube recording): https://www.youtube.com/playlist?list=PLojT7C77hFI16XBFy-gRQPluue5LumLqn
  - **PowerPoint located at:** https://www.smchealth.org/bhrs/qm
- **Guide to Sharing** located at: https://www.smchealth.org/sites/main/files/file-attachments/03.01attachgexchangeinfogrid3.13_1_0.pdf?1477430918
- **Policy 00-06: Client Access to PHI:** https://www.smchealth.org/bhrs-doc/client-access-protected-health-information-phi-00-06
- **Policy 03-01: Confidentiality/Privacy of PHI:** https://www.smchealth.org/bhrs-policies/confidentialityprivacy-protected-health-information-phi-03-01

Alerts

NEW BILLABLE DIAGNOSIS

AUTISTIC SPECTRUM DISORDER is now a Medi-Cal Billable diagnosis.

You still need to meet medical necessity!

Updated List:
https://www.smchealth.org/sites/main/files/file-attachments/billabledx-enclosures_2_in_18-053_icd-10.pdf?1563303359

Behavioral Health Information Notice No.: 20-043
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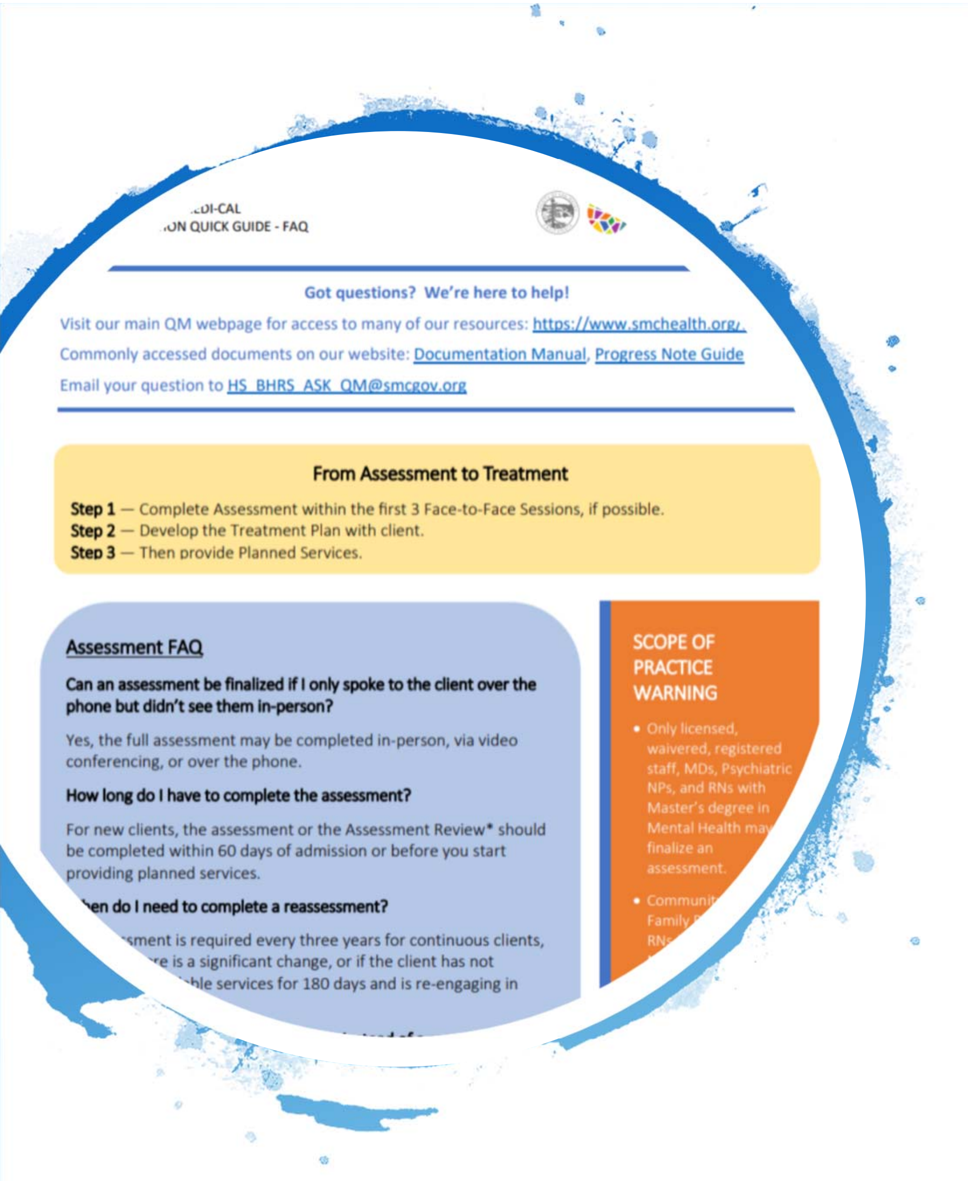
CHANGES TO INCLUDED DIAGNOSES FOR OUTPATIENT SPECIALTY MENTAL HEALTH SERVICES

ICD-10 Diagnosis Code	Diagnosis Description	Change
F32.81	Premenstrual dysphoric disorder	These diagnoses codes are **ADDED** to Outpatient Services. Diagnostic criteria for use of these codes are located in the DSM-5.
F84.0	Autistic disorder (Autism spectrum disorder)	
G21.0	Neuroleptic malignant syndrome	This diagnosis description is **CORRECTED** to "Malignant neuroleptic syndrome."



Updates

QM has a new

Documentation Quick Guide – FAQ

- This **Documentation Quick Guide – FAQ** will replace the following 3 resources which are now retired and removed from the website:
  - How To- Documentation
  - Documentation Help Guide
  - Selecting the Correct Diagnosis in Avatar