

Privacy under ARRA

CHITA Conference

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Perspective - Sound Mental Health

- Not for profit Behavioral Health Organization serving King County
- Approximately 14,000 clients per year
- Children through older adults
- Wide variety of programs and services
- Outpatient services, residential facilities and supportive housing

Demographics

- Equally divided between male and female clients - 50%
- 75% of clients served are between 18 and 59
- Approximately half of the clients are eligible for Medicaid - MH managed care plan
- Race (required reporting categories)
 - white/Caucasian 68%
 - black/African American 24%
 - Asian/Pacific Is. 4%
 - American Indian 3%
 - Other 1%

Locations

- Capitol Hill - Main
- Madison Park
- Northgate
- Bellevue
- Redmond
- Tukwila
- Auburn
- Residential -
- Auburn and Redmond
- Supportive Housing
- - All communities and cities in King County (apartments and houses)

Privacy - ARRA and Behavioral Health

- Privacy - What is confidential information and how should it be handled? Privacy policies and procedures drive what is needed in the security systems. Security is the support system for privacy policies and procedures.
- What does ARRA add?

ARRA vs. HIPPA Impact

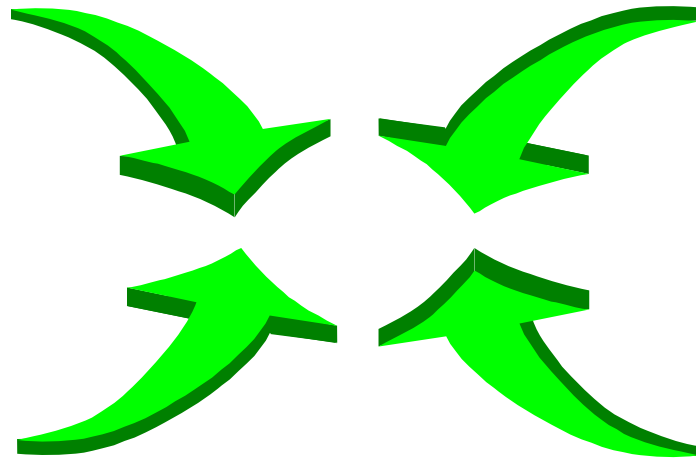
- Washington State had adopted the Uniform Health Information Act so HIPAA did not have much impact.
- ARRA builds on HIPAA but State rules may already be better than HIPAA



Brief Comparison

- HIPAA
 - No client consent required to share information with providers, payers or for routine operations
 - Tracking of non-consensual disclosures for 6 years
- ARRA
 - Client consent (?)
 - Tracking of disclosures to providers, payers and for routine operations and all other disclosures (3 years)

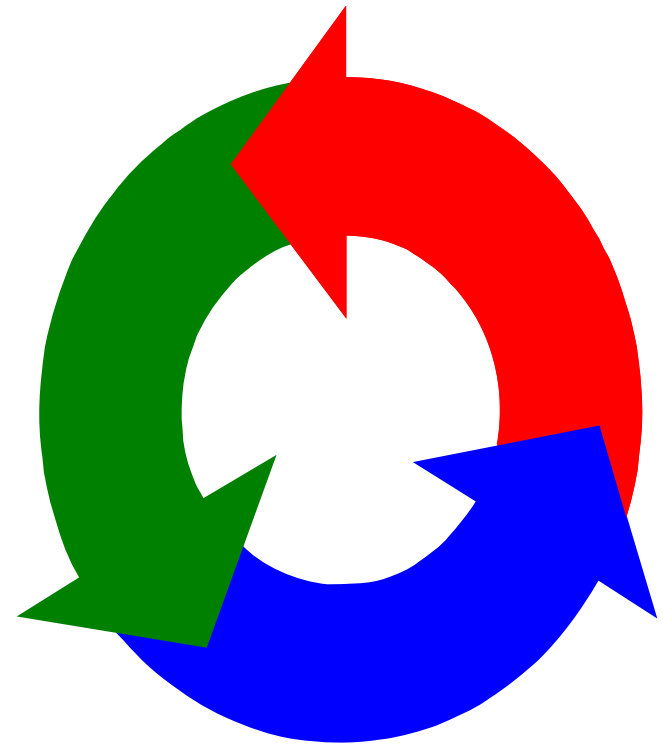
What is disclosure? Internal to the organization? External?



- Scenarios:
- 1. Outpatient wraparound services to child
- 2. COD client offender recently released by Department of Corrections
- 3. Senior living in NH

Who discloses Confidential Information?

- HIM Department trained individuals respond to all formal requests including subpoenas and court orders for records
- Other staff disclose by being mandatory reporters and coordinating with community parties (schools, parole officers, court coordinators)



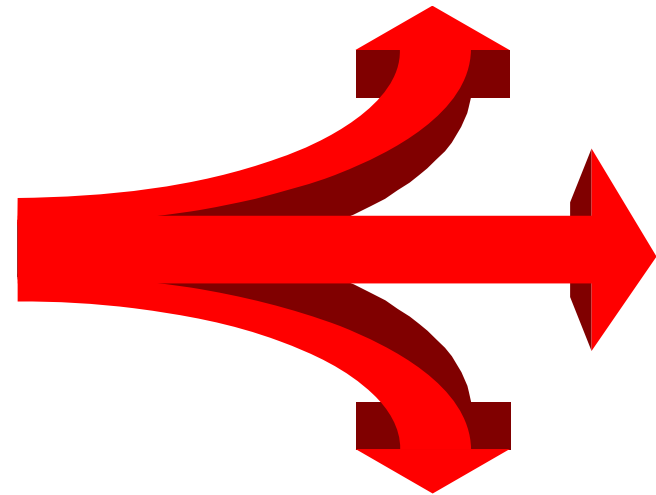
Who tracks the disclosures?



- HIM tracks all disclosures
- Clinical staff enter a note in the clinical record related to a mandatory disclosure and frequently may note a coordinating disclosure in the record

Modes of Disclosure

- Electronic - Email
Secure Email
- Mobile devices
- Faxing
- Paper
- Electronic EHR to
patient
- Electronic with HIE



Other ARRA Issues

- Grant individuals the right to protect their information from a payer if they pay out of pocket.
- (WA law protects MH and counseling information now)
- Training - more follow up on HIPAA requirement to train staff at time of hire and annually regarding privacy and security practices and responsibilities.

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