

POSITION STATEMENT ON COMMUNICATION OF CLIENT INFORMATION

POLICY TITLE: Position Statement on Communication of Client Information

Effective January 1, 1996

INTRODUCTION

The Alameda County Behavioral Health Care Service program (ACBHCS) provides a comprehensive range of specialized behavioral health services addressing both the mental health, alcohol, and drug abuse issues of its clients.

The program recognizes that behavioral health problems and remedies are multifaceted in nature. Many clients require the assistance of two or more specialized service sites. These specialized services must be provided in a well-coordinated manner.

Client information is shared among staff so that the Alameda County Behavioral Health Services program can better serve clients. Information sharing allows for better-integrated service provision. It enables the many programs and staffs who influence a client's life to coordinate their efforts on the client's behalf, thereby avoiding a duplication of effort or a fragmented working at cross purposes with each other.

STAFF NEED TO KNOW

While information must therefore be shared among staff of the program's many service sites, ACBHCS policy, as well as State and Federal law and regulations, protect the confidentiality of the program's clients.

All communication of client information among ACBHCS staff — whether orally, on paper, or in electronic form ~ must be made only with a legitimate service delivery or administrative need to know.

The basis for this principle is presented both in Federal regulations (regarding Alcohol and Drug Division clients) and State Law (regarding Behavioral Health Plan clients).

The 42 CFR, Part 2, Subpart B, Section 2.12 (Applicability) cites several exceptions to the regulation's basic restrictions on disclosure of client information. One of these exceptions, in subsection (c) (3), addresses the need for information sharing among program staff, and between service providers and their administrations.

Communication within a program or between a program and an entity having direct administrative control over that program. The restrictions on disclosure in these regulations do not apply to communications of information between or among personnel **having a need for the information in connection with their duties that arise out of the provision of diagnosis, treatment, or referral for treatment of alcohol or drug abuse** if the communications are:

- 1) **Within a program or**
- 2) **Between a program and an entity that has direct administrative control over the program.**

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Similarly, Section 5328(a) of the California W & I Code authorizes the exchange of information among the various providers within our service system on behalf of service coordination and continuity of care. Again, although client consent should be obtained whenever possible, there are times when information needs to be shared with other service providers without the client's consent. Therefore, the Code states that. . .

"Information and records shall be disclosed only in any of the following cases:

- a) **In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings. The consent of the patient, or his or her guardian or conservator shall be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.**

Under this provision of Sec. 5328 the consent of the client is only required when information is being disclosed to "**a professional person not employed by the facility who does not have the medical or psychological responsibility for the patient's care.**" (Emphasis added) When client information is being made available only to professional persons who do have medical or psychological responsibility for the patient's care within our service system, this requirement does not apply.

The Alameda County Behavioral Health Care Service has no policy that supersedes these Federal regulations or State laws. However, the following Policy on Clinical Data Security has been written to address the special security and confidentiality issues that arise when information is stored in electronic form. **This policy replaces the Alameda County Mental Health Services Policy on Clinical Data Security, dated May 1,1992.**