



PENINSULA RSN

NETWORK MANAGEMENT STANDARDS POLICIES AND PROCEDURES

Policy Name: DMHP ACCESSING PROFILER PROTOCOL **Policy Number:** 3.14

Reference:

Effective Date: 12/2011

Revision Date(s):

Approved by: PRSN Executive Board

CROSS REFERENCES

- Policy: Appointment of DMHPs
- Policy: Corrective Action Plan
- Policy: HIPAA Management Information and Confidentiality
- Policy: HIPAA Consumer Protected Health Information Rights
- Policy: Service Modalities- Crisis
- PRSN Levels of Care

PURPOSE

The purpose of this protocol is to provide guidance for Designated Mental Health Professionals (DMHP) within Peninsula Regional Support Network (PRSN) regarding when and how to access protected health information (PHI) from other network providers during the course of an investigation for involuntary treatment.

The network providers share a linked electronic medical record system that permits DMHPs access to PHI throughout the network.

DEFINITIONS

DMHP means designated mental health professional. A DMHP is a mental health professional who has been designated by the RSN to conduct the activities set forth in RCW 71.05.

PROCEDURE

PHI is protected by Health Insurance Accountability and Portability Act (HIPAA) and Washington State law.

However, there are exceptions to these requirements that allow DMHPs to access information about consumers in order to determine if criteria for involuntary treatment is met.

Examples include:

- a. HIPAA: Allows release of information without consent for the purpose of coordination of care 45 C.F.R. § 164.506(c).
- b. RCW:
 - Allows Exceptions for DMHPs: RCW 71.05.390 (1) (c) “The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person: (c) Who is a designated mental health professional.”
 - Allows exceptions for those providing services under an RSN contract (includes crisis intervention): Same statute as above: “unless provided to a professional person: (d) Who is providing services under chapter [71.24](#) RCW.”
 - Allows exceptions for coordination of care: RCW 70.02.050.

Furthermore, RCW 71.05.212 requires DMHPs to consider all “reasonably available information from credible witnesses and records.”

PROTOCOL

The shared electronic medical record, Profiler, allows DMHPs to access progress notes and other documentation for consumers served by the four network agencies 24 hours a day. In order to adhere to HIPAA and RCW privacy guidelines, while at the same time obtaining all reasonably available information, the following should be considered:

1. All DMHPs sign an oath of confidentiality regarding use of the electronic medical record.
2. Information is to be accessed on a need to know basis only. DMHPs only access the EMR for consumers from other agencies if they are providing crisis intervention or an investigation for involuntary treatment.
3. A DMHP may not print out and release documentation from other agencies for the purpose of transferring the documentation to a third party.
4. Information gained from an electronic medical record may be communicated verbally to an inpatient facility potentially accepting the consumer if the information is clinically relevant for the purpose of coordination of care.

5. A DMHP must also release information to the proper authorities in situations involving abuse and neglect (Adult Protected Services or Child Protective Services), duty to warn, or where other state and federal laws apply.

MONITORING

This policy was developed and agreed upon by the network DMHPs.

1. This Policy is monitored through use of PRSN:
 - Exhibit N Reports and Grievance Tracking
 - Network quarterly DMHP and monthly Utilization Management & Clinical Directors meetings
 - Quality Management Plan activities, such as review targeted issues for trends and recommendations

2. If a provider performs below expected standards during any of the reviews listed above a Corrective Action Plan will be required for approval. Reference PRSN Corrective Action Plan Policy.