



# Monterey County Behavioral Health Policy and Procedure

<b>Policy Number</b>	350-B
<b>Policy Title</b>	Authorization for the Use, Exchange, and/or Disclosure of Confidential Behavioral Health Information within Monterey County Behavioral Health System” (“WITHIN Authorization”)
<b>References</b>	45 CFR Part 160 and Subparts A and E of Part 164 42 CFR Part 2 Monterey County Behavioral Health Policies Monterey County Behavioral Health, Quality Improvement Memo No. 19-01 <a href="http://qi.mtyhd.org/wp-content/uploads/2019/01/Authorization-for-Disclosure-2019-01-15.pdf">http://qi.mtyhd.org/wp-content/uploads/2019/01/Authorization-for-Disclosure-2019-01-15.pdf</a> Pertinent Monterey County Health Department Policies
<b>Form</b>	Authorization for the Use, Exchange, and/or Disclosure of Confidential Behavioral Health Information <i>within</i> Monterey County Behavioral Health System” (“WITHIN Authorization”) <a href="http://qi.mtyhd.org/index.php/home/printable-documents/">http://qi.mtyhd.org/index.php/home/printable-documents/</a>
<b>Effective</b>	February 1, 2019

1 **Purpose**

2 This policy adds additional clarification to the use of Authorization for the Use, Exchange,  
3 and/or Disclosure of Confidential Behavioral Health Information *within* Monterey County  
4 Behavioral Health System” (“WITHIN Authorization”).

6 **Policy**

7 It is the policy of Monterey County Behavioral Health (MCBH) to strictly safeguard “protected health  
8 information” (PHI) about its clients. This policy covers any records or information related to  
9 treatment or services provided by an identified unit within a larger general healthcare entity,  
10 including specialty mental health and substance use disorder services within Monterey County  
11 Behavioral Health systems.

13 This policy requires all staff, including employees, volunteers and students to comply with  
14 applicable federal and state confidentiality laws, including laws that pertain to the confidentiality  
15 and privacy of physical health, mental health, HIV or other sensitive services, and substance use  
16 disorder treatment program records. Contract providers are expected to follow all confidentiality  
17 laws and guidelines outlined in this policy, as well as any contractual obligations they may also  
18 have. Protected health information shall have the same meaning as defined by 45 CFR Parts 160  
19 and 164, 42 CFR Part 2, other applicable state and Federal laws, and in any related Monterey  
20 County Health Department and Monterey County Behavioral Health policies.

22 This policy speaks to Monterey County Behavioral Health’s use of an integrated electronic health  
23 record (EHR) for a comprehensive delivery of specialty mental health and substance use disorder  
24 treatment services. Specifically, this policy adds clarity to the use of the “Authorization for the Use,  
25 Exchange, and/or Disclosure of Confidential Behavioral Health Information within Monterey County  
26 Behavioral Health System” (“WITHIN Authorization”) as part of the integrated service delivery

27 system. The WITHIN Authorization is used to view the integrated EHR among those participating in  
28 the MCBH delivery system.

29 If there is any uncertainty that a WITHIN Authorization is on file, do not access, view, use,  
30 exchange, or disclose protected health information. Instead, obtain the WITHIN Authorization prior  
31 to accessing, viewing, exchanging or disclosing to the MCBH EHR.

## 32 33 **Procedure**

### 34 Completion of "WITHIN Authorization"

- 35 • All information and records obtained in the course of providing services shall be  
36 confidential. The client or his or her authorized representative shall be informed of, and  
37 asked to sign, the "Authorization for the Use, Exchange, and/or Disclosure of Confidential  
38 Behavioral Health Information within Monterey County Behavioral Health System"  
39 ("WITHIN Authorization") at the onset of service.
- 40 • Staff shall discuss the WITHIN Authorization and inform the client of the use of an  
41 integrated electronic health record (EHR) by MCBH and its usefulness in providing  
42 coordinated care.
- 43 • The signed WITHIN Authorization permits MCBH, and its programs and contracted  
44 providers to view health information in the EHR for the purpose of treatment, payment and  
45 operations.
- 46 • The WITHIN Authorization is completed at onset of services, and remains valid for the  
47 duration of client's treatment, plus 365 days following closure of all MCBH services, unless  
48 revoked sooner.
- 49 • The WITHIN Authorization shall be maintained in the EHR.
  - 50 ○ When the WITHIN Authorization is completed on paper it shall be stored as  
51 follows:
    - 52 ▪ Open the WITHIN Authorization form in the EHR
    - 53 ▪ Indicate the form was scanned in the EHR and complete required fields
    - 54 ▪ Scan the document in the EHR
- 55 • The WITHIN Authorization does **not** permit the disclosure of protected health information  
56 outside of the MCBH System. For disclosures outside the MCBH System, an  
57 "Authorization for the Use, Exchange, and/or Disclosure of Confidential Behavioral Health  
58 Information-GENERAL" shall be completed.

### 59 60 Client or Legal Representatives refusal to sign the WITHIN Authorization

61 If after a thorough explanation of the use of the WITHIN Authorization the client/authorized  
62 representative refuses to sign the WITHIN Authorization form, staff the following applies:

- 63 • Refusal to sign the WITHIN Authorization form shall never restrict an individual from  
64 receiving medically necessary services.
- 65 • Staff shall immediately contact MCBH Quality Improvement (QI) department at (831) 755-  
66 4545 or send a *secure* email to [415-QA@co.monterey.ca.us](mailto:415-QA@co.monterey.ca.us) to request that the EHR be  
67 "blocked."
- 68 • Blocking a record will restrict the amount and/or type of information that is permitted to be  
69 viewed/shared.

- 70 • QI team will take necessary actions, including, but not limited to the following, when  
71 blocking/restricting access to the EHR:
  - 72 • Consider client care and safety
  - 73 • Follow laws and regulations on permissible disclosures when considering:
    - 74 ○ Persons who may access the record
    - 75 ○ Amount of information that may be disclosed
    - 76 ○ Type of information that may be disclosed
- 77 • Refusal to sign the WITHIN Authorization will not affect staffs' access to the EHR as  
78 necessary to carry out “administrative transactions” and/or “health care operations” (i.e.  
79 billing, quality assurance, audits) (45 CFR 164.506; 164.501).

80  
81 Client or Legal Representatives' Revocation of a previously executed WITHIN Authorization

82 A client or legal representative may revoke a previously executed WITHIN Authorization. When this  
83 occurs, staff shall take the following actions:

- 84 • Revoke the form in the EHR
  - 85 • For revocation of forms previously completed on paper and noted as scanned:
    - 86 ○ Staff shall print the scanned document being revoked
    - 87 ○ Write “revoke” across the document; scan back in record
    - 88 ○ Open the WITHIN Authorization form in Avatar
    - 89 ○ Select the WITHIN Authorization form, then click “revoke”
    - 90 ○ Submit form
- 91 • Notify Monterey County Behavioral Health Quality Improvement (QI) Team
- 92 • Once QI team has notified, QI team shall:
  - 93 • Perform steps identified above under “refusal to sign WITHIN Authorization” to  
94 safeguard confidentiality

95  
96 Client or Legal Representative wishes to reinstate WITHIN Authorization following a refusal or  
97 revocation

98 A client or their legal representative may at any time change their mind and request to execute a  
99 new WITHIN Authorization. When this occurs, staff shall:

- 100 • Review and obtain a signed WITHIN Authorization from the client or legal representative
- 101 • Notify treatment team as necessary
- 102 • Immediately contact MCBH Quality Improvement (QI) Department at (831) 755-4545 or  
103 send a *secure* email to [415-QA@co.monterey.ca.us](mailto:415-QA@co.monterey.ca.us) to request the record to be  
104 “unblocked”.
- 105 • MCBH Quality Improvement staff will notify the Care Coordinator once the health record  
106 has been “unblocked.”

107  
108 Minimum Necessary Information that may be viewed in EHR prior to execution of WITHIN  
109 Authorization

110 “Health care operations” are certain administrative, financial, legal, and quality improvement  
111 activities of a covered entity that are necessary to run its business and to support the core  
112 functions of treatment and payment (45 CFR 164.506. and 42 CFR 2.12(c)(3)).  
113 Both HIPAA and Part 2 regulations permit MCBH to access the EHR as necessary to carry out  
114 “health care operations,” including responding to a request for services. MCBH and its contracted  
115 providers, including "Access" staff and crisis management teams responsible for client registration,  
116 intake, and crisis management may, for telephonic or in-person requests for services:  
117       o Initiate client registration/admission  
118       o Obtain “Within Authorization” when request is made in-person  
119       o Use the “First Appointment” form in Avatar for new clients and for returning clients  
120       without any currently opened episodes

121 Additionally, MCBH and contracted provider staff responsible for “health care operations” such as  
122 quality assurance, billing, audits, and other activities may access the EHR as permitted by law  
123 when necessary to carry out their responsibilities.  
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