

Amendment to O.R.C. 5122.31

(A) (7): How the New Law Effects Consumers and Advocates

**Rick Tully, ODMH Office of
Systems Transformation**

March 5, 2010

Reference Documents

- Your packet contains the following documents:
- Director Stephenson's memo of October 13, 2009
- ORC 5122.31 with statute change highlighted
- Frequently Asked Questions document

Statute Change

- This provision became effective October 16, 2009:

ORC 5122.31 (A) (7):”That hospitals within the department, other institutions and facilities within the department, and community mental health agencies may exchange psychiatric records and other pertinent information with other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient;”

Statute Change

The law change was enacted in the Biennial Budget, House Bill 1, in order to accomplish the following objectives:

- **improve quality and expedite continuity of care for Ohio's recipients of mental health services;**
- **bring mental health information exchange requirements in Ohio more in line with HIPAA regulations and other health information exchange standards;**
- **decrease unnecessary administrative burden for Ohio's community mental health providers who are struggling to survive in the current financial crisis; and**
- **better position ODMH and the mental health system to integrate with electronic medical record and electronic health record exchange policy and technology development.**

Statute Change

- This statute change means that, unless a consumer requests restrictions, exchanges of mental health information by agencies and hospitals in the publicly funded mental health system with other treatment and health services providers for continuity of care purposes will no longer require a separate authorization for release of information.
- The request for the consumer's consent for these types of exchanges must be documented in the receipt of Privacy Notice, Consent for Treatment, or some other acceptable form used by the provider organization.

Technical Assistance

- ODMH is working with a small workgroup on technical assistance efforts:
 - Frequently Asked Questions (Jan 27, 2010)
 - Pamphlet for consumers and providers (Spring/Summer, 2010)
 - Content for forums to answer additional questions (Summer, 2010)

Technical Assistance

- The small workgroup is comprised of four (4) consumers, four (4) providers, OLRs representative, ODADAS representative, and ODMH staff.

Frequently Asked Questions (FAQ)

- The FAQ document is structured around the following content areas:
 - Applicability and reach of statute
 - Definition of Terms
 - Implementation Issues
 - Restrictions on Disclosures and Requests for Restrictions
 - Applicability to Alcohol and Drug Records

FAQ (cont'd)

- Training and Technical Assistance Issues
- Miscellaneous

Technical Assistance Next Steps

- Next steps will begin to develop the technical assistance pamphlet for consumers and providers.
- The pamphlet will focus on:
 - Context for statute change;
 - Benefits of exchange of treatment information and electronic health records for consumers and providers;
 - Process for limiting the exchange of treatment information if that is important to the consumer;
 - Issues for providers to pay attention to in their Privacy Notices, Consent for Treatment, and other pertinent forms.

Technical Assistance Next Steps (cont'd)

- ODMH plans to conduct focus groups with consumers to get input on the technical assistance document.