

Behavioral Health Consent: Frequently Asked Questions

Collective Medical[®], a PointClickCare[®] Company, facilitates care collaboration for substance use and mental health providers without compromising patient privacy.

Why is behavioral health consent required?

HIPAA and most state privacy laws permit us to enable Covered Entities which have a relationship with a patient, to share general medical information (PHI) for treatment, payment, or health care operations purposes (TPO Purposes) without a patient's providing specific authorization or consent. However, some federal and state privacy laws create special restrictions for certain kinds of sensitive information so that covered entities cannot share this information unless the patient does provide specific consent to do so.

42 CFR Part 2 Regulations

Consult your Privacy Officer, Counsel, or similar to determine if your organization is a Part 2 covered program. Examples may include settings such as:

- Medication Assisted Treatment (MAT) facilities
- Behavioral health clinics specializing in treating SUD patients
- Inpatient chemical dependency (detox) units

These regulations affect any and all information relating to a patient coming from a Part 2 program, including diagnosis, encounters, care plans, security events, and any other information received from a Part 2 program.

What consent model is used?

Our model **requires that you use our consent form**, which supports two levels of consent:

- **No Consent (default state):** Content that users at a single facility create (Care Insights), their care team relationship to the patient, the patient's demographic information, encounters this facility generates will NOT be visible to all other users on the our network. This information and content however will remain visible to all end users at that single facility (the facility with the consent enabled portal).
- **Full Consent:** Any information originating from this facility can be shared with all users and organizations on the network.

Is the same model used in each state even if regulations differ?

Yes, the same model is used as a baseline. However, we review each state's privacy laws to identify all applicable rules and configure each solution according to that state's requirements.

Platform Use for Providers

What is the benefit to providers using the consent functionality?

The consent feature is designed to allow members of a behavioral health care team to collaborate and contribute valuable content to other providers on the network while remaining in compliance with federal and state regulations around sharing sensitive SUD and mental health information.

Can providers use the Platform without operationalizing the consent process?

For all facilities requiring consent your web-based portal will be configured with consent enabled, which means all information from your facility will be invisible to all those outside your facility. Your organization does not immediately need to operationalize the sending of consent yes/no messages to Collective to begin deriving value. You may elect to operationalize consent at a later time, but your organization can still begin to receive notifications and gain critical visibility into your patient's real-time hospital encounters across the state and network wide while also remaining in compliance with state and federal regulations.

Do providers need to send the signed consent forms?

No, consent is operationalized at the facility level. Consent messages of yes/no are sent to the sent to us via your facility's eligibility file or ADT feed. Each facility is responsible for obtaining the patient's signature on the consent form, maintaining a copy of the signed form in that facility's records, and recording the patient's consent status in your the EMR or other appropriate information system.

Platform Use by Health Plans

Can health plans see sensitive member data?

Health plans do subscribe to the platform to access patient information for care coordination but are not included as covered recipients of patient information in our consent form, so they are not able to view or access mental health, SUD, or other consented sensitive information.

Because there is interest from health plans to have access to this consented sensitive information, we will continue to review existing policies and evaluate options for enabling this access in the near future.

Patient Consent

Can a patient revoke their consent after they have given it?

Yes. Providers document a patient's decision to revoke consent consistent with their internal policies and retain a copy of the patient's revocation for their records. When a patient revokes consent, providers must inform Collective Medical of the patient's decision in one of two ways:

1. **Manually revoke consent in real-time for the patient via the portal on the Patient Overview page.** Providers who choose this option will also need to update the Eligibility File sent to us to reflect the change.
2. **Update the patient's consent status in the provider's Eligibility file in the "revocation date" column,** which will automatically update the platform and change the patient's consent status to "no" to stop sharing information. Information about this patient from your facility will then be hidden and not visible to participants on the network.

How do I know if a patient has provided consent?

On the Patient Overview page, a visual indicator will display that the patient has provided consent. If they have not provided consent, there will be no indicator.

Is there a way to see mental health or SUD information in the portal if a patient has not provided consent?

When your facility is configured with a consent enabled portal, all information entered in the platform, whether consent is granted or not, is viewable at the consenting facility or the facility entering the information. This means if you have not received consent and enter a sensitive care insight, you can still input patient data and your facility will be able to see it, but other viewing facilities will be unable to see this information until that patient has given consent. All other facilities across our network, who do not require a consent enabled portal (because they are not a Part 2 covered program or are not a facility covered by state regulations for sensitive information), may enter mental health and SUD related content, such as an emergency department or a primary care setting.

Platform

Can a provider facility act as a viewing and consenting facility for a patient?

Yes. If a patient has provided consent to two different facilities, a user at the viewing facility will see a disclaimer on the patient's overview page, indicating that they should not redisclose information because the portal may include sensitive information.

Does the platform support consent via ADT feeds?

Yes, consent can be supported through ADT feeds. This is more typical for psychiatric inpatient settings however it can be supported for outpatient settings as well.

How do I get my behavioral health providers on the Network?

We'd be happy to talk with you about contributing to the Collective Network. Send us an email stating your interest in joining the network by contacting our Support Team at support@collectivemedicaltech.com.

About PointClickCare

PointClickCare is a leading healthcare technology platform enabling meaningful collaboration and access to real-time insights at any stage of a patient's healthcare journey. PointClickCare's single platform spans the care continuum, fostering proactive, holistic decision-making and improved outcomes for all. Over 27,000 long-term post-acute care providers, and 2,700 hospitals use PointClickCare today, enabling care collaboration and value-based care delivery for millions of lives across North America.