

 <p style="text-align: center;">County of Sacramento Department of Health Services Division of Behavioral Health Services Policy and Procedure</p>	Policy Issuer (Unit/Program)	BHS-CMH-YDF
	Policy Number	08-10
	Effective Date	10/2009
	Revision Date	07/2017
Title: Release of Verbal Information in a Medical Emergency	Functional Area: Health Information Management	
Approved By:		
Matthew Quinley, LCSW Health Program Manager	Christopher Eldridge, LMFT Mental Health Program Coordinator	

Background/Context:

Title 15, Section 1408 requires the Youth Detention Facility (YDF) health administrator, in cooperation with the facility administrator to establish written policies and procedures to assure that a health care summary and relevant records are forwarded to health care staff in the receiving facility when a youth is transferred another jurisdiction. Title 15, Section 1412 requires the establishment of policies and procedures to assure access to first aid and emergency services. The Health Insurance Portability and Accountability Act (HIPAA) permits the release of protected health information (PHI) without the written authorization of the individual for the purpose of procuring treatment, coordination or management of health care and related services, consultation between health care providers relating to a patient or referral of a patient for care from one health care provider to another.

Purpose:

The objective of this policy and procedure is to establish guidelines by which the Juvenile Justice Institutions Mental Health Team (JJIMHT) members use in the event a request is received from another facility or provider who is responsible for emergency treatment of a patient in a life threatening situation or a patient whose physical or mental condition prohibits him/her from providing a written authorization for disclosure of PHI.

Details:

1. General Guidelines
 - A. Telephone, fax or verbal requests for PHI will be fulfilled in a medical emergency with proper verification of the entity requesting the information.
 - B. The release is only permissible when a delay in obtaining the authorization of the individual would delay the emergency treatment required.
 - C. The response is very limited as federal and state law strictly prohibits the release of any information about an individual's psychiatric, HIV/AIDS or substance abuse treatment, even governing the acknowledgement of whether or not an individual is present and/or receiving treatment.

- D. JJIMHT members will explain to the individual requesting the PHI that the information cannot be released without the patient's written consent. There is an exception in an emergency situation; however, due to the confidentiality of medical and mental health records, a call back system will be used in order to verify the identity of the individual making the request.
2. Releasing Information in an Emergency
- A. Upon receipt of a request from another facility or provider who specifies he/she is responsible for the immediate, emergency treatment of an individual for whom the JJIMHT has relevant PHI, JJIMHT members will do the following:
 - I. Assess whether the information should be provided by JJIMHT or the Juvenile Correctional Health Services medical staff.
 - II. Obtain enough information to identify the patient being treated.
 - III. Obtain the identity of the individual making the request, their role in the treatment of the patient, a telephone number for the requesting individual at which a return call can be received and the specific reason for needing the emergency information.
 - IV. Review any relevant PHI requested, if it exists, in the identified youth's mental health record.
 - V. Return a phone call to the individual requesting the emergency information providing information only to the appropriate medical personnel with the need to know.
 - VI. Request that the treating individual obtain a written authorization, if possible, and forward to the JJIMHT for inclusion in the youth's mental health record.
3. Documentation
- A. The JJIMHT member releasing the PHI shall complete a progress note in the youth's mental health record and shall include:
 - I. The emergency circumstance, the name, contact information and credential(s) of the individual making the request, the facility and the reason written consent could not be obtained.
 - II. Type of information released.
 - III. Any other pertinent information.
 - B. The JJIMHT member releasing the PHI shall complete an Accounting of Disclosures Log (Form 2097) and scan the form into the youth's electronic mental health record.

Reference(s)/Attachment(s):

Sacramento County HIPAA Privacy Rule Policies and Procedures-AS-100-03

Related Policies:

BHS-CMH-YDF-02-03-Confidentiality

BHS-CMH-YDF-08-01-Administrative, Technical and Physical Safeguards

BHS-CMH-YDF-08-02-DBHS Compliance Program

BHS-CMH-YDF-08-06-HIPAA Complaints and PHI/EPHI Breach Protocol

BHS-CMH-YDF-08-07-Record Management

BHS-CMH-YDF-08-08-Penalties for Privacy Violations

BHS-CMH-YDF-08-11-Methods for Releasing Protected Health Information

BHS-CMH-YDF-08-12-Accounting of Disclosures

BHS-CMH-YDF-09-01-Countywide Personnel Policies and Procedures

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