

NORTH SOUND REGIONAL SUPPORT NETWORK BOARD OF DIRECTORS MEETING

**North Sound Regional Support Network
Conference Room
117 North First Street, Suite 8
Mt. Vernon, WA
January 24, 2002
1:30 PM**

AGENDA

- 1. Call to Order; Introductions – Chair**
- 2. Revisions to the Agenda – Chair**
- 3. Approval of December Minutes – Chair**
- 4. Comments & Announcements from the Chair**
- 5. Comments from the Public**
- 6. Report from the Advisory Board – Eileen Rosman, Chair**
- 7. Report from Executive/Personnel Committee – Dave Gossett, Chair**
- 8. Report from the Planning Committee – Ward Nelson, Chair**
- 9. Report from the QMOC – Andy Byrne, Chair**
- 10. Report from the Executive Director – Chuck Benjamin, Executive Director**
- 11. Report from the Finance Officer – Bill Whitlock**
- 12. Consent Agenda – Chair**

<p>All matters listed with the Consent Agenda have been distributed to each Board Member for reading and study, are considered to be routine, and will be enacted by one motion of the Board of Directors with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a Board Member.</p>

Motion #02-001 To review and approve NSRSN claims paid from November 1, 2001 to November 30, 2001 and December 1, 2001 to December 31, 2001. Total dollar amount of warrants paid in November 2001 \$(unknown). Total November payroll of \$(unknown) and associated benefits in the amount of \$(unknown).

Total dollar amount of warrants paid in December 2001 \$(unknown). Total December payroll of \$(unknown) and associated benefits in the amount of \$(unknown).

Motion #02-002 To authorize the NSRSN Executive Director to enter into Contract NSRSN-Swinomish-CP-00, Amendment 1 between the NSRSN and Swinomish Tribal Community, extending the contract by two months, through February 28, 2002. Maximum consideration remains unchanged at \$29,768.

The Swinomish Tribal Community has requested a two (2) month extension on their Consumer Oriented Project Contract. As the original publisher of the Gathering of Wisdoms sold his company, this additional time will enable the Tribal Community to work with the "new" publisher in finalizing the Book for printing. See attached.

Motion #01-091 To authorize the NSRSN Executive Director to enter into contract 0169-00339, Amendment 1 between the State of Washington Mental Health Division and the NSRSN for Expanding Community Services-Phase 1, effective December 1, 2001 through June 30, 2003. Maximum consideration shall not exceed \$69,000. *(Still awaiting contract from MHD. Will forward when available)*

Motion #01-092 To authorize NSRSN Executive Director to enter into contract NSRSN-MAGILL-PSC-RM01, Amendment 1 between the NSRSN and Sam Magill Consulting, Inc.

This amendment changes the effective dates of the above referenced contract, to September 1, 2001 through December 31, 2001. Maximum consideration remains unchanged at \$5,000. See attached.

13. Action Item – Marcia Gunning, Contracts Compliance/Financial Services Manager

Motion #01-089 To approve NSRSN 's Confidentiality Policy.

The NSRSN staff has finalized an NSRSN Confidentiality Policy. This policy has been reviewed and approved by our attorney, Brad Furlong.

14. Introduction Items – Chair

Motion #IN-001 To introduce NSRSN's 2002-2003 Quality Management Plan

The NSRSN QMOC Committee finalized their recommended 2002-2003 Quality Management Plan at their December 19, 2001 Meeting. At which time QMOC unanimously moved to recommend approval of the 2002-2003 Plan to the NSRSN Board of Directors.

Motion #IN-002 To introduce contract #0069-44106, Amendment 1, between the NSRSN and Mental Health Division for Federal Block Grant 2001 awards, effective October 1, 2001 through September 30, 2002. Maximum consideration of this amendment is \$97,000. Maximum consideration of this contract is \$247,669.

NSRSN Service Providers independently responded to MHD's FBG 2001 RFP. As a result, FBG funds for 6 proposals within the NSRSN service area were funded.

- *CMHS North Island Counseling = Elder Support Services funded in the amount of \$26,000*
- *CMHS Skagit = Consumer Owned Business funded in the amount of \$10,000*
- *Compass Health = Senior-to Senior Peer Support funded in the amount of \$34,000*
- *Compass Health = Art Studio funded in the amount of \$15,000*
- *CCSNW = Adventure Based Counseling funded in the amount of \$5,000*
- *CCSNW = Animal Therapy funded in the amount of \$7,000*

MHD is now requiring that they contract with the NSRSN for these services. As each provider is a member of APN, the NSRSN will contract with APN for these service expectations.

Motion #IN-003 To introduce Contract #NSRSN-APN-FBG 01, between the North Sound Regional Support Network and the Associated Provider Network for specific FBG 2001 Services, effective October 31, 2001 through September 30, 2002. Maximum consideration for this contract shall not exceed \$97,000.

The NSRSN is contracting with APN in order for the following services to be provided by the indicated agency:

- *CMHS North Island Counseling = Elder Support Services funded in the amount of \$26,000*
- *CMHS Skagit = Consumer Owned Business funded in the amount of \$10,000*
- *Compass Health = Senior-to Senior Peer Support funded in the amount of \$34,000*
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- *CCSNW = Adventure Based Counseling funded in the amount of \$5,000*
- *CCSNW = Animal Therapy funded in the amount of \$7,000*

15. Executive Session - Chair

16. Reconvene - Chair

17. Adjournment – Chair

NOTE: The next Board of Directors meeting is scheduled for Thursday, February 28, 2002 at the North Sound Regional Support Network, 117 North First Street, Suite, 8, Mt. Vernon, WA at 1:30 PM.

**NORTH SOUND REGIONAL SUPPORT NETWORK
BOARD OF DIRECTORS MEETING**

**North Sound Regional Support Network
Conference Room
117 North First Street, Suite 8
Mt. Vernon, WA
December 6, 2001
1:30 PM**

MINUTES

Present:

Rhea Miller, Chair, San Juan County Commissioner
Ward Nelson, Vice Chair, Whatcom County Council
Dan Bilson, Chair, NSRSN Advisory Board
Andy Byrne, Alternate for Pete Kremen, Whatcom County Council
Kenneth Dahlstedt, Skagit County Commissioner
Sharrie Freemantle, Alternate for Kirke Sievers, Snohomish County
Commissioner
Dave Gossett, Alternate for Gary Nelson, Snohomish County Council
Joe Johnson, Nooksack Indian Tribe
Mike Shelton, Island County Commissioner
Jim Teverbaugh, Alternate for Bob Drewel, Snohomish County Executive

NSRSN Staff Members:

Chuck Benjamin, Melinda Bouldin, Sharri Dempsey, Marcia Gunning, Dolores
Holtcamp, Greg Long, Bill Whitlock, Gary Williams

Guests:

Barbara LaBrash, Andrea Harding, Josselyn Winslow

- 1. Call to Order; Introductions – Chair**
Chair Rhea Miller called the meeting to order at 1:35.
- 2. Revisions to the Agenda – Chair**
Chair Miller announced that nominations for Chair and Vice Chair would be heard following the QMOC report. There would also be a brief Executive Session.
- 3. Approval of Minutes – Chair**
It was moved, seconded and approved to accept the November minutes as presented.
- 4. Comments & Announcements from the Chair**
Chair Miller:

- Announced Mike Ashley would no longer be on the Board, thanked him for his service.
- Announced John Koster would be joining the Board representing Snohomish County.
- Referred all to a handout outlining meeting dates for 2002.
- Congratulated Dave Gossett on winning his election
- Thanked all for the honor of serving as Board Chair in 2001.

5. **Board Discussion – Chair**

Chair Miller posed the question to the Board members:

“What are your thoughts about the presence of the Board question on the agenda these past two years?”

Ward Nelson thanked Chair Miller for the opportunity to voice his opinion each month. He would like to see an open session for the Board to share topics of concern to each individual.

Chuck Benjamin added that when facing many business decisions, it adds a “heart” to faces and names. He feels this opportunity brings everyone together as a group, and thanked Chair Miller for the opportunity.

Ken Dahlstedt stated that instead of being on “auto pilot”, he appreciates getting to know each other.

Dan Bilson felt the questions were a learning tool. He feels the question is worthwhile, but would go with Ward’s format suggestion.

Joe Johnson appreciated the fact that with so many things having to be done throughout the day, it gave everyone a moment to focus on one thing.

Andy Byrne stated that he was stimulated by others’ comments, which broadened his horizons. He feels either structure is OK.

Mike Shelton commended Chair Miller for her thought-provoking questions, and feels the questions are a good thing.

Chair Miller stated that she has seen much relationship building.

6. **Comments from the Public**

There were none.

7. **Report from the Advisory Board – Dan Bilson, Chair**

Mr. Bilson reported:

- The December 4 Advisory Board meeting began with a sumptuous potluck dinner, followed by a PowerPoint presentation by Chuck Benjamin and Marcia Gunning.

- With better utilization management the Recovery Model is still possible.
- Janet Lutz-Smith reported on strategic plan emphasis and that the next strategic Plan meeting is to be on January 15, 2002.
- Lorelei stated an A.B. membership roster and update of library items is a priority for early 2002.
- All 11 revised action items were considered individually and a motion to recommend approval by the BOD passed each.
- Thanked the nominating committee for procuring three candidates for both Chair and Vice Chair of the AB for 2002. This willingness by members is very gratifying in that it shows an increased interest in supporting the volunteer efforts of AB members.
- Announced Eileen Rosman as Chair, and Janet Lutz-Smith as Vice Chair.
- Many favorable comments were heard again on Wilma Townsend's presentation at the Recovery Conference. Mr. Bilson thanked Chuck Benjamin for keeping the vision for future efforts.
- Mr. Bilson also publicly thanked the Board of Directors for their understanding tolerance of him. He reiterated that he sometimes tends to be passionate when it comes to advocating for Mental Health clients. He wished all a Merry Christmas, Happy New Year, and God's blessings.

8. Report from Executive/Personnel Committee – Dave Gossett, Chair
Mr. Gossett announced that there would be no regular report; he would report during Executive Session.

9. Report from the Planning Committee – Ward Nelson, Chair
Ward Nelson announced the next meeting on December 13. The Committee will be focusing on yearlong projects, Enhanced Case Management, Expanded Community Services, and Homelessness. A report on ECM and Homelessness will be brought to the Board in January.

10. Report from QMOC Committee – Andy Byrne, Chair
Mr. Byrne reported that the QMOC met on November 21. Four items were discussed; SOC manual revision, introduction of the 2002-3 QM plan, Greg Long's presentation on HIPAA, and Ombuds 3rd quarter report.

Ken Dahlstedt announced the recommended slate of officers for 2002: Chair Ward Nelson, Vice Chair Mike Shelton. This was accepted by acclamation. Recommendation stands.

11. Report from the Executive Director – Chuck Benjamin, Executive Director

Mr. Benjamin reported briefly on:

Too many people to thank individually, but offered his global recognition of stakeholder contributions in the following areas:

- Standards of Care Manual
- IS/IT Needs: Collaborative Plan to address our system needs (Raintree Contract)
- Provider Contracts
 - To simplify and streamline the contract as much as possible
 - To improve the emphasis on quality outcomes
 - Made our best attempt to find ways to incorporate the new MHD requirements in a constructive manner
 - To clarify definitions and intent as much as possible
 - Approached the concept of basing funding on performance
 - To increase cross-system cooperation, training and outreach
- County Contracts to continue our collaborative partnerships
- NSRSN 2002 Budget
 - Reorganization/Streamlining

In Addition:

We continue to work in the following areas:

- ✓ NSRSN Stakeholder response to MHD's proposed budget reductions
- ✓ Recovery Conference Follow-up
- ✓ 4-E Waiver
- ✓ Quality Assurance and Quality Improvement

He also like to took the opportunity to inform all that MHD is once again holding the NSRSN up as a model. This time it is for the NSRSN's Exhibit N, or complaint and grievance report. Diana Striplin spearheads this effort for us but this also includes input from Ombuds, QRT, Resource Managers and Contracts, making it truly an agency effort.

Chair Miller added that focusing on trauma diagnoses and treatment saves money. She is proud of the RSN.

12. Report from the Finance Officer – Bill Whitlock

Mr. Whitlock offered an explanation of his financial report included in member notebooks.

13. Consent Agenda – Rhea Miller, Chair

Motion #01-088 To review and approve NSRSN claims paid from October 1, 2001 to October 31, 2001 in the amount of \$3,122,293.70, payroll for the month of October in the amount of \$74,114.82 and associated benefits in the amount of \$24,768.79.

Moved, and seconded to approve the consent agenda, all in favor, motion carried.

14. Action Items – Marcia Gunning, Contracts Compliance/Financial Services Manager

Motion #01-075 To approve the NSRSN Recommended 2002 Annual Administration Budget.

Moved, and seconded to approve Motion #01-075, all in favor, motion carried.

Ward Nelson thanked the NSRSN staff for a job well done.

Motion #01-078 To approve Community Mental Health Program Services Contract # NSRSN-APN-02-03 between the North Sound Regional Support Network and Associated Provider Network, effective January 1, 2002 through December 31, 2003. Estimated funding is \$68,858,777.

Motion #01-079 To approve Community Mental Health Program Services - Hispanic Contract #NSRSN-SeaMar-02-03 between North Sound Regional Support Network and SeaMar Community Health Centers, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$1,019,760.

Motion #01-080 To approve Integrated Crisis Response Services Contract #NSRSN-VOA-MC-02 between North Sound Regional Support Network and Volunteers of America, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$1,820,018.

Motion #01-081 To approve Interagency Agreement #NSRSN-Island-02-03 between North Sound Regional Support Network and Island County for County-specific Administration, Development, Planning, MICA Services and other Direct Community Services, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$112,085.

Motion #01-082 To approve Interagency Agreement #NSRSN-San Juan-02-03 between North Sound Regional Support Network and San

Juan County for County-specific Administration, Development, Planning, MICA Services and other Direct Community Services, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$102,517.

Motion #01-083 To approve Interagency Agreement #NSRSN-Skagit-02-03 between North Sound Regional Support Network and Skagit County for County-specific Administration, Development, Planning, MICA Services and other Direct Community Services, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$159,025.

Motion #01-084 To approve Interagency Agreement #NSRSN-Snohomish-02-03 between North Sound Regional Support Network and Snohomish County for County-specific Administration, Development, Planning, Clinical Utilization Management Services, Crisis/ITA Services, E & T Loan and Maintenance Services, Community Team for Children Services, MICA Services and other Direct Community Services, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$2,644,033.

Motion #01-085 To approve Interagency Agreement #NSRSN-Whatcom-02-03 between North Sound Regional Support Network and Whatcom County for County-specific Administration, Development, Planning and Geriatric Peer Support, MICA Services and other Direct Community Services, effective January 1, 2002 through December 31, 2003. Maximum consideration shall not exceed \$276,628.

Moved, and seconded to approve Motions, #01-078, #01-079, #01-080, #01-081, #01-082, #01-083, #01-084, #01-085 all in favor, motion carried.

Motion #01-086 To approve the NSRSN's "Standards of Care Manual" (Eligibility and Clinical Care Standards), as modified.

Moved, and seconded to approve Motion #01-086, all in favor, motion carried.

Motion #01-090 To *authorize NSRSN Executive Director to enter into contract # NSRSN-RAINTREE-MIS-02 Between the North Sound Regional Support Network and Raintree Systems, Inc for Information Systems Services, including technical support services, training support services, implementation and transition services, effective January 1, 2002 through December 31, 2002. Maximum consideration not to exceed \$73,050.*

Moved, and seconded to approve Motion #01-090, all in favor, motion carried.

15. Motions Not Yet Reviewed by the Advisory Board – Rhea Miller, Chair

Chair Miller invited all to review:

Motion #IN-046 To introduce NSRSN 's Confidentiality Policy.

The NSRSN staff has finalized an NSRSN Confidentiality Policy. This policy has been reviewed and approved by our attorney, Brad Furlong.

Motion #IN-047 To introduce contract 0169-00339, Amendment 1 between the State of Washington Mental Health Division and the NSRSN for Expanding Community Services-Phase 1, effective December 1, 2001 through June 30, 2003. Maximum consideration shall not exceed \$69,000.

The Washington State Legislature has allocated funding to assist in the development of community support services for long-term state hospital patients being transitioned back to their communities. To date the NSRSN has not received the final contract, but have been informed that it will be mailed in December. This contract amendment enables the NSRSN to receive the first allocation.

Motion #IN-048 To introduce contract NSRSN-MAGIL-PSC-RM01, Amendment 1 between the NSRSN and Sam Magill Consulting, Inc.

This amendment changes the effective dates of the above referenced contract, from September 1, 2001 through December 31, 2001. Maximum consideration remains unchanged at \$5,000.

17. Executive Session - Chair

Chair Miller adjourned the Board to Executive Session for the discussion of personnel Issues.

18. Reconvene - Chair

The meeting reconvened at 2:25. Chair Miller shared the results of Chuck Benjamin's evaluation. It was overwhelmingly positive.

Josselyn Winslow addressed the group, sharing details of an incident in Whatcom County where a person was inappropriately ITAd. Ms. Winslow felt that there was a lack of communication and collaboration between agencies involved.

Ward Nelson stated that continuity of care is critical – he will be making some phone calls in follow up to this incident.

Jim Teverbaugh inquired as to whether or not this is being reviewed by local oversight committee?

Chuck Benjamin answered that Greg Long had spoken with HCS, Gary Williams, and the liaison to WSH. Need to call all systems together to discuss.

Ms. Winslow feels that it is difficult for dementia patients to find appropriate residential facilities. The State doesn't support programs specific to dementia.

Jess Jamieson stated that this is a system problem – he feels we will deal with more of these incidents, because of decreased dollars.

Mike Shelton cautioned that people don't go away just because the dollars go away. They always seem to end up in more expensive programs rather than where they should be!

19. Adjournment – Chair

The meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Melinda Bouldin

MEMORANDUM

Revised

DATE: January 8, 2002

TO: NSRSN Advisory Board

FROM: Marcia Gunning
Contracts Compliance & Financial Services Manager

RE: January 24, 2002 NSRSN Board of Director's Agenda

Please find for your review and comment the following that will be discussed with the Board of Directors brought forth at the January 24, 2002 NSRSN Board Meeting.

CONSENT AGENDA

1. To authorize the NSRSN Executive Director to enter into Contract NSRSN-Swinomish-CP-00, Amendment 1 between the NSRSN and Swinomish Tribal Community, extending the contract by two months, through February 28, 2002. Maximum consideration remains unchanged at \$29,768.

The Swinomish Tribal Community has requested a two (2) month extension on their Consumer Oriented Project Contract. As the original publisher of the Gathering of Wisdoms sold his company, this additional time will enable the Tribal Community to work with the "new" publisher in finalizing the Book for printing. See attached.

2. To authorize the NSRSN Executive Director to enter into contract 0169-00339, Amendment 1 between the State of Washington Mental Health Division and the NSRSN for Expanding Community Services-Phase 1, effective December 1, 2001 through June 30, 2003. Maximum consideration shall not exceed \$69,000.

The Washington State Legislature has allocated funding to assist in the development of community support services for long term state hospital patients being transitioned back to their communities. This contract amendment enables the NSRSN to receive the first allocation. See attached.

3. To authorize NSRSN Executive Director to enter into contract NSRSN-MAGILL-PSC-RM01, Amendment 1 between the NSRSN and Sam Magill Consulting, Inc.

This amendment changes the effective dates of the above referenced contract, to September 1, 2001 through December 31, 2001. Maximum consideration remains unchanged at \$5,000. See attached.

ACTION ITEMS

1. To approve NSRSN 's Confidentiality Policy.

The NSRSN staff has finalized an NSRSN Confidentiality Policy. This policy has been reviewed and approved by our attorney, Brad Furlong. Please refer to attached.

ITEMS NOT YET REVIEWED BY THE ADVISORY BOARD

1. To introduce NSRSN 's 2002-2003 Quality Management Plan.

The NSRSN QMOC Committee finalized their recommended 2002-2003 Quality Management Plan at their December 19, 2001 Meeting. At which time QMOC unanimously moved to recommend approval of the 2002-2003 Plan to the NSRSN Board of Directors. Please refer to attached.

3. To introduce contract #0069-44106, Amendment 1, between the NSRSN and Mental Health Division for Federal Block Grant 2001 awards, effective October 1, 2001 through September 30, 2002. Maximum consideration of this amendment is \$97,000. Maximum consideration of this contract is \$247,669.

NSRSN Service Providers independently responded to MHD's FBG 2001 RFP. As a result, FBG funds for 6 proposals within the NSRSN service area were funded.

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- *CCSNW = Animal Therapy funded in the amount of \$7,000*

If you have any questions or concerns you would like to discuss prior to the meeting, please do not hesitate to contact me.

cc: NSRSN Board of Directors

Charles R. Benjamin

County Coordinators
NSRSN Management Team

NORTH SOUND REGIONAL SUPPORT NETWORK CONTRACT AMENDMENT

CONTRACT NO. NSRSN-MAGILL-PSC-RM01 Amendment (1)

The above-referenced Contract between the North Sound Regional Support Network (NSRSN) and Sam Magill Consulting, Inc is hereby amended as follows:

1. The effective dates shall be September 1, 2001 through December 31, 2001.
2. Maximum consideration of this contract remains unchanged at \$5,000.

ALL TERMS AND CONDITIONS OF PERFORMANCE OUTLINED IN CONTRACT NO. NSRSN-MAGIL-PSC-RM01 THROUGH AMENDMENT ONE (1) ARE INCORPORATED BY REFERENCE AS THOUGH FULLY SET FORTH HEREIN.

THIS AMENDMENT IS EXECUTED BY THE PERSONS SIGNING BELOW, WHO WARRANT THAT THEY HAVE THE AUTHORITY TO EXECUTE THIS AMENDMENT.

NORTH SOUND REGIONAL SUPPORT
NETWORK

SAM MAGILL CONSULTING, INC.

Charles R. Benjamin,
Executive Director

Date

Sam Magill

Date

Approved as to Form for NSRSN:

Basic Form approved by Brad Furlong 10/02/01

Attorney at Law

Date

DRAFT

Subject:

Confidentiality

Purpose:

To establish guidelines for the protection of confidential information

Background:

In its designated role as the local mental health authority, the North Sound Regional Support Network (NSRSN) has multiple responsibilities mandated by state statute [RCW 71.24.300]. The authority to access confidential consumer information and/or treatment records in order to fulfill these responsibilities/duties is also granted by state statute [RCW 71.05.390, RCW 71.05.630 (2)(a)(b)(e), RCW 70.02.050 (1)(b)(h), RCW 71.34.200 (6)(10)]. However, the privilege granted by these laws carries with it a commensurate amount of responsibility for assuring that the information obtained by the NSRSN in the performance of its duties is protected against further disclosure to unauthorized organizations and/or individuals. The NSRSN is acutely aware that mental illness continues to be a category of illness that may subject a person seeking services or receiving a diagnosis to discrimination and other disadvantages. It is also understood that with the growth of managed care and the increase in the amount and sensitivity of information made available to third-party payors/reviewers, there may be a corresponding decrease on the part of some individuals to seek treatment. The goal of the NSRSN is to adopt policies that will assure consumers that confidentiality protections are strong and will protect their privacy within State and Federal laws.

Policy:

The North Sound Regional Support Network, its employees, and its contracting agencies and their employees shall protect all information, records and data from unauthorized disclosure in accordance with:

- **42 CFR 432.300 - 431.307 (Federal Statute)** - “State Organization and General Administration”, “Safeguarding Information on Applicants and Recipients”
- **RCW 70.02** - “Medical Records – Health Care Information Access and Disclosure” [RCW 70.02.020 – 70.02.060]
- **RCW 71.05** - “Mental Illness” [RCW 71.05.325, 71.05.330, 71.05.390, 71.05.395, 71.05.400, 71.05.410, 71.05.420, 71.05.440, 71.05.445, 1.05.610 – 71.05.680]
- **RCW 71.34** - “Mental Health Services For Minors” [RCW 71.34.025, 71.34.100, 71.34.200, 71.34.210, 71.34.220, 71.34.225]
- **WAC 388-865-0115** – “Access to Clinical Records”

and

for service recipients receiving alcohol and drug abuse services, in accordance with

- **42 CFR Part 2 (Federal Statute)** – “Confidentiality of Alcohol and Drug Abuse Patient Records”

[Any program that specializes in the treatment, diagnosis, referring, or prevention of alcohol and drug abuse and receives direct or indirect federal financial assistance must comply with 42 CFR Part 2. A MICA program located in a mental health agency would be subject to 42 CFR Part 2. A mental health agency that does not specialize in alcohol and drug abuse services is not subject to 42 CFR Part 2. However, if a mental health agency enters into a Qualified Service Organization Agreement (QSOA) with an agency providing substance abuse services, the mental health agency must promise, in writing, to abide by the federal confidentiality regulations for information related to those clients covered under the QSOA. Also, if mental health staff participate in a case review group for substance abuse clients, the members of the group are subject to 42 CFR Part 2.]

Note: In considering issues related to confidentiality, it is important to note that any state provision that would permit or require a disclosure prohibited by the federal rules is invalid. If, however, a state statute is more stringent than a federal rule, the state statute prevails.

It is the policy of the North Sound Regional Support Network to **always** obtain the consumer’s written authorization before releasing **any** confidential information. There are a few exceptions to this policy, **however**, any NSRSN employee who is contemplating the disclosure of confidential information without the consumer’s informed consent must **first** consult with their supervisor and/or a member of the North Sound Regional Support Network Management Team. Additional consultation with legal

counsel may also be required, but a decision to do so will be at the discretion of the NSRSN Executive Director.

Employee Oath of Confidentiality:

All NSRSN employees and/or representatives shall sign an annual Oath of Confidentiality statement. This statement will affirm that the employee/representative will not make unauthorized disclosures of any information they may acquire in the performance of their duties as an employee/representative of the North Sound Regional Support Network. The employee shall acknowledge that she/he has read this policy and that she/he understands that violation of this policy, the oath, or any state or federal regulation may be cause for discipline, including dismissal.

Informed Consent:

Informed consent for disclosure of information or treatment records to an individual, agency, or organization must be in writing and must contain the following information:

- ✓ The name of the individual, agency, or organization to which the disclosure is to be made;
- ✓ The specific name or general designation of the program or person permitted to make the disclosure;
- ✓ The name of the individual whose treatment record is being disclosed;
- ✓ The purpose or need for the disclosure;
- ✓ The specific type of information to be disclosed (*Note: The client may direct that the provider not include certain information.*);
- ✓ The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must insure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given;
- ✓ A statement that the consent is subject to revocation at any time except to the extent that the program or person, which is to make the disclosure, has already acted in reliance on it;
- ✓ The date on which the consent is signed; and
- ✓ The signature of the individual or person legally authorized to give consent for the individual.

“Records” protected from unauthorized disclosure include any information acquired about a patient, whether or not it is in writing or recorded in some other form, including the patient’s identity, address, medical or treatment information, and all communications made by him or her to program staff. This means that the memories and impressions of program staff are considered “records” protected by the regulations even if they are never recorded in any form.

All disclosures, and especially those made pursuant to a consent form, must be limited to information that is necessary to accomplish the need or purpose for the disclosure. It would be improper to disclose everything in a patient’s file if the recipient of the information only needs one specific piece of information. In completing a consent form,

it is, therefore, important to determine first, the purpose or need for the communication of information. Once this has been identified, it is easier to determine how much and what kind of information will be disclosed, tailoring it to what is essential to accomplish the need or purpose that has been identified. A general guideline for disclosure of confidential information is to disclose only what is necessary, for only as long as is necessary, in light of the purpose of the communication.

Any minor thirteen years of age or older may request and receive outpatient mental health [RCW 71.34.030] or chemical dependency [RCW 70.96A.095] treatment without the consent of the minor's parent. If parental consent was not required for treatment, parental consent is not required to make disclosures. Parental authorization is required for any treatment of a minor under the age of thirteen. If parental consent was required for treatment, parental consent is also required to make disclosures.

Information about applicants for service, whether or not they are admitted to treatment, former consumers, and deceased consumers is protected from disclosure without proper authorization.

Disclosure of records related to alcohol or drug abuse services:

Except under certain specified conditions, Federal law 42 CFR Part 2 ("Confidentiality of Alcohol and Drug Abuse Patient Records") prohibits the disclosure of records or other information concerning any consumer in a federally assisted alcohol or drug abuse program. Any state laws that permit or require a disclosure prohibited by the federal law are invalid. A general medical release form or any consent form that does not contain all of the elements specified in 42 CFR Part 2, Section 2.31 ("Form of Written Consent") is not acceptable. Each disclosure made with the consumer's written consent must be accompanied by a written statement about prohibition of redisclosure as outlined in 42 CFR Part 2, Section 2.32 ("Prohibition on Redisclosure").

Disclosure to the Department of Corrections:

Consumer consent is not required for release of relevant records from mental health service providers to the Washington State Department of Corrections (DOC) when such information is necessary to carry out DOC responsibilities as authorized in RCW 71.05.445 and 71.34.225 (WAC 388-865-0600). Relevant records (specifically defined under WAC 388-865-0610) include agency records and reports, except where prohibited by federal laws or regulations. It does **not** include third party records, i.e., those obtained by the agency from other sources.

Written requests from Department of Corrections personnel must include the purpose for which information is intended, proper identification of the person to whom records are to be sent, specifics regarding what relevant information is requested, and the name, title, date, and signature of the requester (WAC 388-865-0640). The scope of the information is dependent on the reason for the request (WAC 388-865-0620), and must be provided to the Department of Corrections within the specified time frames (WAC 388-865-0630).

Disclosure of testing or treatment for HIV or other sexually transmitted diseases:

Release of information related to testing or treatment of sexually transmitted diseases must be specifically authorized in accordance with RCW 70.24.105.

Disclosure to Family Members:

It is the policy of the North Sound Regional Support Network to promote the involvement of family members in the treatment of consumers of all ages, whenever possible. This is particularly important when family members are in the role of primary caretaker for the consumer. Families need information about illness management, medications and their side effects, and other areas of information that are relevant to providing knowledgeable care giving and support.

Nevertheless, the intent is not to promote family involvement at the expense of the consumer's right to privacy. Kinship does not grant family members an exemption from the laws governing the release of confidential information. Consumers thirteen years of age and older must give informed consent before confidential information can be shared with their family members. Parental consent/authorization is required for outpatient treatment of a minor under the age of thirteen, therefore, parents/guardians have the right to access confidential information about the minor.

Disclosure To Protect Third Parties:

Mandatory Reporting of Child and Vulnerable Adult Abuse and/or Neglect:

Social service/mental health personnel [as defined in RCW 26.44.020 (8) and RCW 74.34.020 (8)] are **required** by Washington State law to report suspected incidents of abuse and neglect of children [RCW 26.44.030 (1)] and vulnerable adults [RCW 74.34.035 (1)]. In doing so, they have civil immunity under the law for good faith reporting [RCW 26.44.060 (1)(a); RCW 74.34.050 (1)]. Failure to report can result in a gross misdemeanor charge [RCW 26.44.080; RCW 74.34.053 (1)].

Confidential information may be disclosed to DSHS protective services or investigating law enforcement for purposes consistent with mandatory reporting requirements [RCW 26.44.030; RCW 74.34.067]. However, information considered privileged by statute and not directly related to reports required by RCW 26.44 and RCW 74.34 must not be divulged without a valid written waiver of the privilege [RCW 26.44.030 (7); RCW 74.34.067 (3)]. Persons or agencies exchanging information under RCW 26.44.030 (7) or RCW 74.34.067 (3) are not permitted to further disseminate or release the information except as authorized by state or federal statute.

Imminent Danger to an Identified Third Party:

Washington State law provides that a mental health professional who concludes that his or her client represents an imminent danger to an identified third party may take steps, including notifying the individual and/or law enforcement officials, to protect the third party without becoming liable for a breach of confidentiality. The law does not mandate such reporting; rather it gives the clinician discretion in deciding how to proceed. The clinician will not be liable if he or she decides not to act. **The NSRSN supports staff in taking all reasonable steps to protect any identifiable individual or group of people from significant and imminent risk or danger.** [RCW 70.02.050 (1)(d); RCW 71.05.390 (10); RCW 71.34.200 (12)].

A similar statute allows for the release of all necessary and relevant information, upon request from appropriate law enforcement agencies, in the event of a crisis or emergent situation that poses a significant and imminent risk to the public [RCW 71.05.390 (11), RCW 71.34.200 (11)].

Disclosure to Protect the Consumer:

Disclosure of privileged communication is permitted if the professional reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the consumer [RCW 70.02.050 (d)].

Ombuds Staff and Quality Review Team:

Ombuds and Quality Review Team staff must have the consumer's written authorization to obtain information and/or treatment records from a provider agency or the North Sound Regional Support Network and/or its staff. This policy is not required by state statute, but is supported by the North Sound Regional Support Network in order to reinforce the functional independence of the Ombuds and Quality Review Team and to strengthen consumer confidence. The Ombuds and Quality Review Team staff are otherwise subject to all other aspects of the NSRSN Confidentiality Policy as described herein.

County Staff and NSRSN Board of Directors:

The Interagency Agreements between the North Sound Regional Support Network and each of its member counties permit exchange of confidential consumer information without the written authorization of the consumer for purposes directly related to the administration of the Agreement and the state Medicaid plan.

Members of the NSRSN Board of Directors are county representatives and as such are subject to the conditions of the Interagency Agreements between the North Sound Regional Support Network and its member counties. Nevertheless, dissemination of confidential consumer information to Board members should be done judiciously and only after approval by the NSRSN Executive Director.

Health Insurance Portability and Accountability Act (HIPAA):

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandates the establishment of standards for the privacy of individually identifiable health information. The regulation entitled, "Standards for Privacy of Individually Identifiable Health Information" (the Privacy Rule) became effective on April 14, 2001. The North Sound Regional Support Network will be required to comply with the new requirements by April 2003. The Privacy Rule establishes a federal floor of safeguards to protect the confidentiality of medical information. State laws, which provide stronger privacy protections, will continue to apply over and above the new federal privacy standards.

The Privacy Rule will require the North Sound Regional Support Network to:

- Provide information to patients about their privacy rights and how their information can be used;
- Adopt clear privacy procedures for our organization;
- Train employees so that they understand the privacy procedures;
- Designate an individual to be responsible for seeing that the privacy procedures are adopted and followed; and
- Secure patient records containing individually identifiable health information so that they are not readily available to those who do not need them.
- Designate an individual to be responsible for the security of all electronic utilization, storage and transmission of Personal Health Care Information data.