

Per Advisory Board request made on November 6, Advisory Board members are asked to bring this packet to the meeting. Notebooks will no longer be provided on meeting day.

**NORTH SOUND REGIONAL SUPPORT NETWORK
ADVISORY BOARD MEETING**

**North Sound Regional Support Network
Conference Room
117 North First St., Suite 8
Mt. Vernon, WA 98273
January 15, 2002
1:00 PM**

Agenda

1. Call to Order; Introductions, Chair – 5 minutes
2. Revisions to the Agenda, Chair – 5 minutes
3. Approval of December 2001 Minutes, Chair – 5 minutes
4. Comments from the Public – 10 minutes
5. Correspondence and Comments from the Chair – 5 minutes
6. Old Business
 - a. Executive Director's Report - Chuck Benjamin – 5 minutes
 - b. Finance Committee – Mary Good – 5 minutes
 - c. Strategic Plan Committee –
 - d. Activities and Liaison Committee -
7. Items To Be Brought Forward To The Board of Directors – Marcia Gunning, Contracts Compliance & Financial Services Manager
 - a. Consent Agenda
 - b. Action Items
 - c. Motions Yet To Be Approved, Chuck Benjamin, Executive Director – 5 minutes
8. New Business - 10 minutes
9. Comments from County Advisory Board Representatives – 15 minutes
 - a. Island
 - b. San Juan

- c. Skagit
- d. Snohomish
- e. Whatcom

10. Comments from Public – 5 minutes

11. Other Business

- a. Request for Agenda Items

12. Adjournment

NOTE: The next Advisory Board meeting will be February 19, 2002, at the NSRSN Conference Room, 117 N. First Street, Suite 8, Mount Vernon.

Happy New Year!

*Prior to the January 15th Advisory Board meeting,
pre-meeting activities are as follows:*



Hope to see you there!

North Sound Regional Support Network

NAME: ADVISORY BOARD

MEMBERS PRESENT: DAN BILSON, CHUCK ALBERTSON, LORELEI COY, MARY GOOD, BOB HART, MARIE JUBIE, JOAN LUBBE, JANET LUTZ-SMITH, EILEEN ROSMAN, DEAN STUPKE, JAMES VEST, CHRIS WALSH, JOSSELYN WINSLOW

MEETING DATE: DECEMBER 4, 2001

MEETING TIME: 1:00 P.M.

MEETING LOCATION: NSRSN

MEMBERS EXCUSED: JACK BILSBOROUGH, KAY DAY, JOHN PATCHAMATLA

MEMBERS ABSENT: DAVE ASHTON

KEY CONTACT: DAN BILSON

PREPARED BY: MELINDA BOULDIN

STAFF: CHUCK BENJAMIN, MELINDA BOULDIN, SHARRI DEMPSEY, MARCIA GUNNING, DOLORES HOLT CAMP, ANNE HOFFMAN

GUESTS: JERE LAFOLLETTE, NANCY JONES

MINUTES

Item #	Item	Discussion	Discussion Leader	Decision(s) Made, Action Taken, Assignments Given
1	Call to Order, introductions	Chair Bilson called the meeting to order at 1:10. Chuck Benjamin and Marcia Gunning presented a pre-meeting PowerPoint presentation outlining the Recommended 2002 NSRSN Operating Budget, and Provider Contracts.	Dan Bilson	
2	Revisions to the Agenda	Chair Bilson stated that agenda item #8 would be moved to #11 on the agenda, to allow adequate time for an Advisory Board member to make it in time to vote in the election of officers.	Dan Bilson	
3	Approval of November 2001 Minutes		Dan Bilson	Motion: It was moved, seconded and approved to accept the November minutes as presented.
4	Comments from the Public	Lorelei Coy commented on a recent visit to the Edmonds Consumer Group, which she feels is a viable consumer group. She expressed excitement about linking to Rainbow Center. She hopes a drop in (activity) center can be established in Snohomish County. A visit from B.J. Cooper is being planned, folks from both Rainbow and Edmonds consumer groups will be included. Nancy Jones was thanked for her encouragement in proceeding in this area. Chuck Benjamin encouraged Skagit County participate as well in the visitation. Chuck Albertson feels that the Rainbow Center is vibrant and alive because of its association with Whatcom Clinic, who also allows for independence. Concern was expressed that consumers are unable to access computers at the Edmonds Consumer Group, and inquired as to whether or not training software could be purchased. It was stated that local libraries offer free training. Lorelei cautioned that for many folks transportation is an issue. Chris Walsh stated that he would donate training software. This offer was met with applause.	Dan Bilson	

		<p>Jere LaFollette offered a short report. He attended a meeting that morning with regional legislators. The budget forecast was discussed. He believes it is very important for consumers, advocates, providers, government officials to work together across state. If not, many programs will be in serious jeopardy. Although the road ahead is very tough, he remains encouraged by collaboration.</p>		
5	Correspondence and Comments from the Chair	<p>Chair Bilson announced that: Elections would take place later in the meeting. All members were provided with ballots. Chair Bilson received a request to cast a proxy vote for a non-attending member. He stated that the by-laws prevent him from doing so, and he denied the request. He also stated that anyone needing a copy of the by-laws should indicate this now so copies can be made. Chair Bilson also announced the next Board of Directors meeting would take place on December 6th. He shared possible areas of consideration for the 2002 Advisory Board might be: Changes to the by-laws, possible evening meetings in other counties during the year, comments/thoughts from members for goals, plans, desires or needs for 2002, for future AB consideration. The next Advisory Board meeting will be January 15, 2002.</p>	Dan Bilson	
6	Old Business	6.a Executive Director's Report	Chuck Benjamin	

Mr. Benjamin wished everyone "Happy Holidays" - and thanked all for the delicious potluck prior to the meeting. He also thanked the group for their attentiveness during his pre-meeting presentation. Mr. Benjamin stated that he hopes everyone can maintain their Vision of Hope and Recovery, and that we not use budget shortfall as an excuse not to follow through. He also reported on the stakeholder meeting to address the budget issue. A letter from the group was put together and sent to the OFM. He sees this as a huge ray of hope - all facets came together as one group to give one message from the North Sound.

6.b Finance Committee

Ms. Good reported that the October bills were approved for payment. The Committee had been provided with a handout outlining monies distributed to providers. The group has begun looking at transportation guidelines.

Mary Good

Motion: It was moved, seconded, and approved to recommend payment of the October bills.

6.c Strategic Plan Committee

Ms. Lutz-Smith reported that a meeting will be held at 10:00 on January 15, 2002 for all people who are on a sub committee or wish to be on one. This would be a one-time-only organizational meeting. Lorelei Coy wondered if some of the sub committees could meet via conference calls, Chuck Benjamin supports that idea, and the RSN has purchased equipment for that purpose. It is used frequently at the RSN with great success. An orientation manual is in the works for new members. Formulation is in process.

Janet Lutz-Smith

6.d Activities and Liaison Committee

No report

Dan Bilson

7.a Consent Agenda - none

Marcia Gunning

7.b Action Items

Ms. Gunning reviewed her revised memo, and outlined the action items, including: 1. To authorize the NSRSN Recommended 2002 Annual Operating Budget

2. To authorize 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.

3. To authorize 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.

Marcia Gunning

Motion: It was moved, seconded and approved to recommend the NSRSN Board of Directors adopt the 2002 Annual Operating Budget as presented.

Motion: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the APN contract as presented.

Motion: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the SeaMar contract as presented.

4. To authorize 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: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the VOA contract as presented.

5. To authorize 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: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the Island County contract as presented.

6. To authorize 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: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the San Juan County contract as presented.

7. To authorize 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: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the Skagit County contract as presented.

8. To authorize 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: It was moved seconded and approved (with one abstention) to recommend the NSRSN Board of Directors approve the Snohomish County contract as presented.

9. To authorize Interagency Agreement #NSRSN-Whatcom-02-03 between North Sound Regional Support Network and Island 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.

Motion: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the Whatcom County contract as presented.

10. To authorize the NSRSN's "Standards of Care Manual " (Eligibility and Clinical Care Standards), as modified.

Motion: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the Standards of Care Manual as modified.

11. 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 to be presented at the December 6, 2001 Board Meeting.

Motion: It was moved seconded and approved to recommend the NSRSN Board of Directors approve the Raintree contract as presented.

7.c Motion Yet To Be Approved

Marcia Gunning

		<p>Ms. Gunning reviewed introduction items: 1. The NSRSN staff have finalized an NSRSN Confidentiality Policy. This policy has been reviewed and approved by our attorney, Brad Furlong. 2. 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. 3. To introduce contract NSRSN-MAGIL-PSC-RM01, Amendment 1 between the NSRSN and Sam Magil Consulting, Inc.</p> <p>8.a Nominating Committee Report</p> <p>Chair Bilson instructed members to tear ballot in half, vote first for Chair, then Vice Chair. Ms. Good reported that the Nominating Committee had met via phone conference. Committee consists of Lorelei Coy, Chuck Albertson, and Ms. Good. The nominees are: Eileen Rosman, Marie Jubie and Mary Good for Chair. Nominees for Vice Chair are Janet Lutz-Smith, Marie Jubie, and Mary Good. Each nominee gave a brief statement as to why they were interested in running for office. Ballots were cast, Josselyn Winslow and Dean Stupke counted votes.</p> <p>Following the election of officers, discussion revolved around the creation of a directory, using members applications that have come from each county.</p>	<p>Dan Bilson</p> <p>Mary Good</p>	<p>Eileen Rosman was elected Advisory Board Chair for 2002, and Janet Lutz-Smith was elected Advisory Board Vice Chair for 2002.</p> <p>Motion: It was moved seconded and approved to create an Advisory Board Directory based on applications on file with each county.</p>
<p>8</p>	<p>New Business</p>			
<p>9</p>	<p>Comments from</p>	<p>9.a Island County</p>	<p>Eileen Rosman</p>	

County Advisory Board Reps.	<p>No report</p> <p>9.b San Juan County Mr. Stupke reported that Barbara LaBrash reported the Recovery Conference was a huge success. He thanked the RSN for offering the conference.</p> <p>9.c Skagit County No report</p> <p>9.d Snohomish County Although no meeting had been held, Marie Jubie reported that Tom Richardson, on behalf of NAMI, gave her a computer. The new Chair and Vice Chair of the Snohomish County AB are James Vest and Marie Jubie.</p> <p>9.e Whatcom County It was reported that the Howes are leaving the area, and Hy Rosenfeld is resigning. Two seats on the Whatcom County Board are up for election in January.</p>	<p>Dean Stupke</p> <p>Mary Good</p> <p>Marie Jubie</p> <p>Chuck Albertson</p>	
10 Comments from Public	<p>Eileen Rosman spoke regarding the by-law review. Dan Bilson called for a show of hands of those interested in serving on a by-law revision committee.</p> <p>Ms. Rosman recommends both other nominees be on the Executive Committee.</p>	<p>Dan Bilson</p>	<p>By-law Revision Committee: Marie Jubie, James Vest, Mary Good, Eileen Rosman, Lorelei Coy, and a "definite maybe" is Dan Bilson.</p>

		<p>Greg Long informed the Advisory Board that Whatcom County is conducting planning sessions for setting up a crisis triage program. The Board will be informed of their recommendations</p> <p>Josselyn Winslow informed the group of a tragic incident in Whatcom County involving a gentleman with dementia being taken to an Emergency Room, and eventually being ITAd ending up at Western State. There is a definite problem accessing services through ERs. Dementia needs to be a separate diagnosis. The NSRSN will be following up on this incident.</p>		
11	Other Business	<p>11.a Request for Agenda Items none</p>	Dan Bilson	
12	Adjournment	2:59 p.m.	Dan Bilson	
	Handouts:	<p>2002 Meeting dates Printouts of pre-meeting PowerPoint presentations</p>		
	Future Requested Presentations:	<p>Strength Based Treatment Best Practice Case Management</p>		

MEMORANDUM

DATE: December 20, 2001
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

None

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.

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. 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.

3. To authorize NSRSN Executive Director to enter into contract NSRSN-MAGIL-PSC-RM01, Amendment 1 between the NSRSN and Sam Magil 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. See 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.

2. 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.

3. 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*
- *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*

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

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.

**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