
Chapter: **CONFIDENTIALITY**
Title: **NOTICE OF CONFIDENTIAL INFORMATION**

Prior Approval Date: 8/20/02
Current Approval Date: 12/3/03

Approved by: _____
Executive Director Date

I. Abstract

This policy establishes the standards of the Macomb County Community Mental Health Board (MCCMH) for notification of the confidentiality of consumer information to parties receiving this information.

II. Application

This policy shall apply to MCCMH administrative offices and to all directly-operated and contract network providers of the MCCMH Board.

III. Policy

It is the policy of the MCCMH Board that all persons, parties, or agencies external to the MCCMH Board service system who are authorized to receive confidential consumer information, based on a consumer-authorized release of information, court order, or other specific valid instrument shall be notified, in writing, that the information provided is confidential, and that further disclosure is prohibited except as provided, and only to the extent consistent with, the authorized purpose for which the information was released, pursuant to the provisions of the Michigan Mental Health Code, MCL 330.1748; MSA 14.800(748), and MCCMH MCO Policy 6-001.

IV. Definitions

A. Board Service System

All directly-operated or contract network providers of the MCCMH Board related to the provision of mental health or developmental disabilities services, or to the administration of those services.

B. Original Release Authorization

Any valid authorized release of information form on which an inked signature has been affixed, whether the document is faxed or photocopied, or it waives the necessity of a consumer signature, or is a court order, Board administrative authorization for research/evaluation/statistical compilation, or other valid instrument as prescribed in the Michigan Mental Health Code, MCL 330.1748; MSA 14.800(748) and MCCMH MCO Policy 6-001.

V. Standards

A. Copies of documents, whether generated internally or externally, released from a clinical record which identify a consumer shall be accompanied by a cover letter indicating the declared purpose(s) for which the release has been authorized (see Exhibit A for example). The cover letter shall indicate that the information is confidential and that any subsequent use or release (including copying) shall be prohibited unless consistent with the purposes of the authorization. A copy of the cover letter shall be retained with the original release authorization.

B. Each document, whether individual or contained within a packet of copies of documents, released from a clinical record which identifies a consumer shall be imprinted with a conspicuous notice of the confidential nature of the information contained in the document (see Exhibit B for example).

VI. Procedures

A. Procedures shall be contained in Provider manuals.

VII. References / Legal Authority

A. MCL 330.1748; MSA 14.800(748)

B. MCCMH MCO Policy 6-001, "Release of Confidential Information - General"

C. MCCMH MCO Policy 6-004, "Facsimile Document Transmission"

VIII. Exhibits

A. Cover letter (example)

B. Content of stamp (example)

Date

Dear _____:

Enclosed please find the information which you requested from the Macomb County Community Mental Health clinical record of the herein identified recipient. Release of this information has been authorized only for the following purpose(s):

This information is confidential. Any additional use or release beyond the purpose(s) stated above (including copying) is prohibited except as provided by law or by further written authorization.

Sincerely,

Enclosure(s)

Cover Letter (example) MCCMH MCO Policy 6-005, Exhibit A

NOTICE TO PERSONS RECEIVING THIS MATERIAL

Information contained in this record is CONFIDENTIAL and is protected by law:

- (1) Mental Health Bill of Rights
42 USC 9501(H)
- (2) Restatement of Mental Health Bill of Rights
42 USC 10841(H)
- (3) Michigan Mental Health Code
MCL 330.1748; MSA 14.800(748)
- (4) Michigan Public Health Code
MCL 333.5131; MSA 15.14(5131)
- (5) MCCMH MCO Policy 6-001
- (6) MCCMH MCO Policy 6-004

It should not be shared, duplicated, or copied. Further disclosure is prohibited except as provided by law.

Content of Stamp (example) MCCMH MCO Policy 6-005, Exhibit B