

IV. Definitions

- A. Michigan Mental Health Code
Act 258 of 1974
An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health or substance use disorder services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness, substance use disorder, or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness, substance use disorder, or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts.
- B. HIPAA
Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, including HIPAA Privacy and Security Rule 45 CFR 160-164.
Data privacy and security law for safeguarding medical information.
- C. HITECH
Health Information Technology for Economic and Clinical Health Act of 2009, Public Law 111-5, including the HIPAA/HITECH Omnibus Final Rule of 2013, 78 Fed. Reg. 5566.
Legislation to stimulate the adoption of electronic health records which supports and enhances the enforcement of HIPAA, as well as extending HIPAA to Business Associates.
- D. Business Associate
Consistent with 45 CFR 160.103, any entity which:
1. Performs a function or activity on behalf of the MCCMH Board that involves the use or disclosure of protected health information or provides any legal, actuarial, accounting, consulting, data aggregation or management, administrative, accreditation, or financial services to or for the Board; and
 2. Is NOT involved in the treatment of consumers; and
 3. Is NOT providing consumer-conducted financial transactions.

V. Standards

- A. Access to MCCMH's ProAct Portal shall only be provided in a manner that is consistent with the Michigan Mental Health Code, HIPAA, and HITECH.

- B. Access to MCCMH's ProAct Portal shall be managed by MCCMH Clinical Strategy Improvement (CSI) Division staff.
 - 1. Access will be granted based on job/role related responsibilities and authorized by the Clinical Strategy Improvement Division Director or their designee.
 - a. Access by non-MCCMH workforce members shall be limited to business associates, with a valid business associate agreement, and MCCMH provider network workforce members.
- B. To ensure suitable access to sensitive, protected health information, individuals seeking access to the ProAct Provider Portal must complete the ProAct PROVIDER PORTAL USER REQUEST FORM (Exhibit A) and the job description of the workforce member seeking access.
- C. MCCMH Clinical Strategy Improvement (CSI) Director or designee must be notified immediately if a workforce member terminates their employment.
- D. MCCMH CSI Director or designee must be immediately notified when a workforce member transitions to a position in which access to the ProAct Portal is no longer necessary for their job function.
- E. Failure to provide notification according to this policy may result in a loss of ProAct Portal access for that MCCMH administrative division, directly-operated network provider or contracted organizational network provider.
- F. Any requests from an entity other than an MCCMH provider shall be submitted to **both the MCCMH's Clinical Strategy Improvement (CSI) Division and the MCCMH Office of Corporate Compliance.**
 - 1. Requests must be approved by both entities for the minimum amount of time necessary, but no more than a maximum of thirty (30) days.
 - 2. Approval signatures must be obtained from both the Clinical Strategy Improvement Division Director or designee and the MCCMH Corporate Compliance Officer or designee.

VI. Procedures

- A. Complete ProAct Provider Portal User Request Form.
- B. Obtain job description of workforce member seeking access.
- C. Submit both the ProAct Provider Portal User Request Form and job description.
 - 1. Submit properly completed request form and job description via email, fax, hand delivery, or US Mail.
- D. Access requests shall only be made by supervisors.

VII. References / Legal Authority

- A. MCCMH MCO Policy 8-020

VIII. Exhibits

- A. ProAct Provider Portal User Request Form