**Behavioral Health Information Sharing**

**Patient Talking Points**

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1. Purpose of This Document

**The purpose of this document is to provide guidance when discussing with patients what they need to know about sharing their behavioral health information.**

This document may be used for a variety of purposes. Examples include:

* To help **educate staff** about health information sharing and correct misunderstandings or fears.
* To help staff **educate patients** regarding the sharing of behavioral health and primary care records.
* To **provide more detailed information to patients** who would like to learn more about having their records shared.

Behavioral health patients may be especially cautious when seeking care and when asked to decide whether or not to share information about themselves. They may fear being stigmatized or treated differently if others become aware of their behavioral health diagnosis. This document seeks to present behavioral health patients with a balanced view of the benefits and risks of sharing health information while emphasizing the patient’s right to choose.

**The document addresses topics staff may review when discussing specific issues with patients. It is not intended to be a “script” that needs to be covered with every patient.**

1. Overview of Your Health Care

**Your healthcare is provided by “clinicians” and/or “healthcare providers”.** These clinicians generally fall into two categories:

* **Primary care clinicians and staff.** These are people that include providers like doctors, specialists, nurse practitioners, nurses, nursing assistants, hospital staff, laboratory staff, and others. They work in organizations that provide care for your physical health, like medical clinics, specialty clinics, community health centers, and hospitals.
* **Behavioral clinicians and staff.** These clinicians include providers like social workers, psychologists, psychiatrists, and psychiatric clinical nurse specialists (PCNs). They work in organizations like behavioral health clinics and health centers. The services they provide include several kinds of care:

Treatment for mental health disorders.

Treatment for substance use disorders.

Behavioral treatment for medical conditions like chronic pain and diabetes.

**Your healthcare teams may work closely together** **in an “integrated care” environment**, where the clinicians are all on one team. **Or, you might be receiving care from clinicians that work for different organizations.**

**In either case, your providers work to provide you with the best, most comprehensive care**. It is very important for your providers to be able to communicate with each other to provide you with the best care.

1. Your Rights as a Patient

To provide you with the best care possible, your healthcare providers may need to share information about you. This may include information about your mental health, substance use, HIV/AIDs status, genetics, or other kinds of sensitive information. **In Massachusetts, you have the right to decide whether your healthcare providers may share sensitive information about you.**

To allow your providers to share sensitive information about you, you need to sign a form that gives them permission to share the information and with whom. The way you give and deny permission is described in more detail below.

1. Benefits of Sharing Information

**The more your healthcare providers know about you, the better the care they can give you.** To provide you with the best care possible, your healthcare providers need the most complete picture of your health. They need as much information as you feel comfortable sharing. That way, it will be easier for them to figure out what’s best for you and avoid mistakes that could happen if they’re missing an important piece of information.

Here are some examples of information a healthcare provider might need in order to make sure you get the best care:

* What medications you are taking now or took in the past and whether they helped you.
* Whether you are allergic to any medications or have had any other problems with your medications.
* What physical health problems you have and how they affect your overall health.
* What mental health or substance use problems you have and how they affect your overall health.
* What your primary care doctor’s plan is for you.
* What your behavioral health provider’s plan is for you.
* What kind of treatments you have received and how beneficial they were.

But, these are only examples. Your healthcare providers will want to learn as much as they can from your other providers to make sure they are not missing important information and can work together give you the best care.

**You won’t have to tell your story over and over to every provider.** If your providers all have access to your health information, they’ll be able to review it without wasting time getting all the details from you. **You and your provider will be able to focus your visit on what’s important to you.**

**Sharing information can help get you the right care faster.** Sometimes, your healthcare provider simply can’t continue with your care when important information is missing. They might not be able to give you the care they think is best. Or they might need to wait until they get the missing information.

**Sharing information can even save you time and money.** Sometimes, two of your healthcare providers may need the same information about you, like blood tests or an x-ray. If they can both share the results, you might be able to avoid having the test again and paying for it again.

**Examples:**

**Some patients have had difficult or traumatic experiences in their lives that they choose to share with their therapist. It can be helpful if the therapist alerts other members of the team to these difficult experiences so that they can be sensitive to the patient’s histories and concerns. This DOES NOT mean that the therapist will share all the details of your life with everyone on the team. You and your therapist will agree on how much to share, and when.**

**Your healthcare provider prescribes medications for you to make you better. But sometimes things can go wrong if he or she doesn’t have important information about you.**

* Sometimes **taking two medications together** can be bad for you, like making you dizzy or tired or worse. Some medications may not go well together. If your healthcare providers know all of the medications you’re taking, they can avoid prescribing a new medication that might cause problems.
* Healthcare providers can also avoid prescribing **a medication that hasn’t worked in the past**—but only if they know you’ve already tried it!
* **If you are hospitalized, it may be particularly important for hospital staff to know about your behavioral health diagnosis and treatment.** If they know you are in recovery or receiving Medication Assisted Treatment, they will make the right decision about whether to provide opioids for pain.
1. Why It Is Better for Your Providers to Be the Ones Who Share Your Information

**You might think it is better for you to just tell your healthcare providers about your health, rather than let them share information about you. But that may mean that you will have to tell your story over and over to every provider you see.** And when providers communicate with each other, they can provide details that are in your health record that you might have trouble remembering. They can also make sure they include important details the other provider needs.

**Examples:**

**Your providers can make sure your list of medications is complete**, including the correct names, dosages, how you take the medications, and how frequently you take them.

**Your providers can make sure all of your procedures and other treatments are known**, including the dates when they happened and where they were performed.

1. Who Will Have Access to Your Shared Information

When you give permission to share your sensitive information, **the form you sign will say which providers or kinds of providers we can get information from or give information to.** We will honor that and only share your information the way you tell us.

**But, remember that healthcare providers don’t work all by themselves.** They often work with other healthcare providers in a group practice, in a clinic, or in an “integrated environment” with medical providers, behavioral health providers, and office staff. Whatever the environment, only the people who need access to your private information will have it.

Healthcare organizations have strict rules and take all reasonable steps to make sure your information is secure. If people break the rules, they will face harsh disciplinary action that may include firing.

If you are concerned about how we handle your information, we’ll be happy to explain it. If you are concerned about how another provider organization will handle your information, you should discuss it with them.

**If you are ever concerned that your information may have been handled improperly, you can ask us for a report of who has accessed your information and whom we have shared it with.**

1. How We Receive and Send Information

There are quite a few ways healthcare providers share information. A lot **depends on whether the providers’ systems are connected to each other.**

**If the systems are connected,** information from your medical record in one healthcare provider’s office might be sent electronically to another healthcare provider’s office. There it might go right into the other healthcare provider’s medical record system. This is usually the most secure way to get the information from one place to the other. This is how it happens more and more often today.

**If the systems aren’t very connected,** the information will usually be faxed, or the healthcare providers might talk on the phone. Sometimes, they might communicate by secure email or secure text—that’s a kind of emailing and texting that’s very well protected from being seen by anyone who’s not supposed to see it.

1. Risks of Sharing Information

**Information can never really be 100% secure, no matter how providers handle it and share it. Remember, it is your responsibility to weigh the benefits/risks and decide whether your providers may share sensitive information about you.**

**Many people think information is more secure if it is on paper than if it is in a computer system or moving over the internet**. But the truth is that even with paper or faxes, people can make mistakes like leaving information where unauthorized people can see it.

**Computer systems are actually just as secure, or even more secure, than paper or fax.** Some examples of how information is protected:

* **People have to use iDs and passwords to get into systems that have health information.** This means that only people who have a right to see the information can get it.
* **Health information that is sent over the internet is secured.** The systems that exchange the information have to use procedures to protect the information from unauthorized access, and the information has to be “encrypted”. “Encrypted” means the information is in code so that only the systems that send it, receive it, or store it have the keys to open the code and see what’s there.
* **There are federal and state laws we all have to follow to ensure your privacy.**

**And remember, everyone who has a right to have medical information about you also has rules about what they can do with it.** If they do the wrong thing, they can face harsh disciplinary action that may include firing. Here are a few examples where misusing your information can be harshly punished:

* **People who work in your provider’s office**, like nurses and office staff, will only have access to your information if they need it, and there are procedures for determining whether your information has been accessed or used improperly. People who violate the rules are punished.
* If you have **insurance**, we are required to share information about you that allows your insurance company to pay your claims and help with your care. Insurance company staff are monitored and punished if they improperly access or use your information.

**If you are ever concerned that your information may have been handled improperly, you can ask us for a report of who has accessed your information and whom we have shared it with.**

1. How to Give Us Permission to Share Sensitive Information

**If you want to give us permission to get sensitive information from other providers or send it to them, you can sign a form for it.** It may be called a “consent” form, an “authorization” form, or “opt in” form. This form will apply to sensitive information such as mental health, substance use, and HIV/AIDs. Once you’ve signed the form, we will be able to send or receive your information.

**The form you sign will ask you to say which providers we can get information from or send it to.** For example, you may be able to say that we can exchange information with all of your providers or just certain providers. If you give us very restricted permission, we will have ask you to sign another form every time we need to share information with someone else.

**But many systems have limitations on how they share information, and how much control you can have.** Sometimes, if you want to restrict what information gets shared or with whom, we may not be able to share your information at all. For example:

* **Most systems can’t choose the types of information they share.** Most systems can’t separate out sensitive health information (like your behavioral health diagnosis) from routine health information (like your blood pressure or weight). If you specify restrictions that our system can’t handle, we will not be able to share your information at all.
* **Most systems can’t limit sharing to only certain people in a healthcare organization.** For example, we may not be able to share information with Dr. Smith but not Dr. Jones in the same clinic. Even if we could do that, the other clinic would have their own rules about who can see it.

**If you want to give another provider permission to share your sensitive information,** you’ll have to discuss how to do that with them. When we share sensitive information about you with another provider or provider organization, **they know they need to get your permission before they share that information with anyone else.**

1. How to Deny Permission to Share Sensitive Information

**If you haven’t given us permission to share your sensitive health information, or if you tell us you don’t want to share it, we won’t share it.** We will still provide the best care we can for you. However, you must understand that sharing your information will allow us to provide better, safer care for you.

**If you want to deny permission for another provider to share your information,** you should discuss how to do that with them.

1. Changing Your Mind about Sharing Sensitive Information

**You can always change your mind about whether to share your information, by signing another form.** We’ll honor your most recent instructions. However, if we already received information about you or shared your information with another healthcare provider, we can’t “take it back.”

**If you want to change your mind with another provider,** you’ll have to discuss how to do that with them.

1. Sharing Information without Your Permission

**There are some circumstances when your healthcare providers are allowed or required by law to share medical information about you, even if you have not given your permission.** Some examples include:

* **Your providers may share your general (non-sensitive) medical information** in order to provide your treatment, to receive payment from your insurance company, or to manage the services they provide to you.
* **Your providers may share your sensitive information in a medical emergency.** You can check with your provider on what their policy is regarding sharing information in emergencies.
* **Your providers are required to report your information to federal or state agencies that collect certain public health information.**
* **Your providers are required to provide information in certain legal situations**, including reporting child abuse or neglect, reporting threats against persons, and responding to a court order, a subpoena, or some other allowable request from law enforcement.
1. Sharing Information Using the Mass HIway

**In Massachusetts, there is a statewide system called the Mass HIway. It is used by some providers to send and receive patient information. Patients are required to give their permission to share *any kind of medical information* using that system.** If your provider uses the Mass HIway to share medical information, you should discuss your options with them.

**Examples:**

* **If your provider uses the Mass HIway, and you want to give permission to share your behavioral health information,** you will need to give two levels of permission to your provider: (1) to share information using the Mass HIway, and (2) to share your behavioral health or other sensitive information.
* **If your provider uses the Mass HIway, and you want to deny permission to share your behavioral health information,** your provider may not be able to share any information at all about you. If they are unable to separate out your sensitive information from your general medical information, they may not be able to share any information at all.