Meaningful Conversations About Privacy and Consent to Share Information:

Preparing to Have the Conversation

CHECKLIST FOR PEER SUPPORT SPECIALISTS

Organizations that provide substance use treatment services go about privacy and consent to use or disclose (i.e., share) information about the services a client receives for treatment of substance use differently. They may use different types of consent forms, collect information about services clients receive in different ways, and offer different options for payment for services when clients don't have or don't want to use their insurance.

Where to Start? Always start by meeting with your supervisor to talk broadly about your role and identifying the key person that can answer questions about health information privacy (i.e., Privacy and Compliance Officer, Supervising Nurse, Center Director/Manager). Meet with that identified person(s), discuss ways you can support the team in ensuring your client has information that can help them make an informed decision about consent to share their treatment information. Use the checklist below to gather information during your meeting(s) that will help you support your client.

What You Need to Know – Consent Forms and Process

Get copies of consent forms that are used to consent to share information

Walk-through how the forms are used and what sections the client fills out

Identify who on staff introduces and provides education on client privacy and consent to share treatment information

Identify when concepts of privacy and consent to share treatment information are introduced to the client

Ask about organizational policies and procedures for payment for services for situations when clients don't have or don't want to use insurance. Many organizations provide:

- sliding scale fee options for clients; and/or
- a list of referral sites for free services

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What You Need to Know – Clients' Counseling Notes

Ask if the organization uses Substance Use Disorder (SUD) Counseling Notes and if they are kept separate from the rest of clients' health information and/or health records.

- **If NOT maintained separately:** The client's SUD Counseling Notes will **likely** be shared with the recipient identified by the client if the client signs a general consent to share their treatment information.

- **If maintained separately:** The client's SUD Counseling Notes **should not** be shared **unless** the client has given separate consent to the organization specifically to share their SUD Counseling Notes.

What You Can Do When You Meet With Your Client

Start a conversation, using this guide, with your clients about their privacy rights and options related to consenting to share treatment information, including the right to restrict sharing of SUD Counseling Notes.

Answer your client's questions about consenting to share treatment information or connect them with a person at the organization who is providing them with treatment who can answer their questions.

Offer to accompany a client during their healthcare visit.

Encourage your client to speak with their treatment provider(s) about questions or concerns they may have with sharing treatment information.

What Resources Are Available to Learn More

CoE-PHI provides resources and learning opportunities to support your understanding of federal health privacy laws and regulations:

- eLearning Module: Privacy Basics for Frontline Staff
- Webinar: 42 CFR Part 2 Final Rule – What You Need to Know
- eLearning Module: Federal Privacy Regulations When Providing Substance Use and Mental Health Services

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