



Date: September 18, 2020

To: Behavioral health service providers

From: Steve Allen, Behavioral Health Director
Health Systems Division

Subject: New Confidentiality Tool Kit for Providers

The Oregon Health Authority (OHA) has released a [Confidentiality Tool Kit for Providers](#).

Why OHA created a confidentiality tool kit

We have heard that many providers in the state would like guidance about behavioral health information sharing and the intersection of state and federal law, especially around information sharing of substance use, diagnoses and treatment. This tool kit is one of the outcomes of the work of the Behavioral Health Information Sharing Advisory Group. OHA has incorporated feedback from a wide variety of stakeholders in the behavioral health realm, including the PreManage Behavioral Health Learning Collaborative. The tool kit is designed to support integrated care, provide an overview of confidentiality issues and perceived obstacles, and provide links to additional information.

How you can use the tool kit

This tool kit is intended for behavioral health service providers, and it includes resources and examples to help navigate some of the confidentiality laws that protect a patient's behavioral health information while allowing appropriate information sharing to coordinate care.

This tool kit includes:

- Consent sample templates
- Chart of relevant statutes
- FAQs, which were developed from past webinars and questions to OHA staff
- Use cases, which include examples of sharing of behavioral health information relevant to 42 CFR Part 2 protected information

Legal and CARES Act implications

This tool kit is not legal advice. It is not a substitute for reviewing the law or consulting an attorney. Regulations for confidentiality of health records are subject to change. Be sure to use this resource in conjunction with review of current statutes.

The CARES Act will further revise the regulations on or after March 27, 2021 relating to disclosures and HIPAA notice of privacy practices. The tool kit does not address those revisions.

This document can be provided upon request in alternate formats for individuals with disabilities or in a language other than English for people with limited English skills. To request this document in another format or language, please call 503-945-5763 (Voice) or 711 (TTY).

Questions?

If you have any questions about the tool kit, contact Nicole Corbin at Nicole.Corbin@dhsoha.state.or.us. Please note OHA staff cannot provide legal advice. The tool kit is a living document, which OHA plans to update periodically.

Thank you for your continued support of Oregon's behavioral health system and the services you provide.