

Dear WPS Member,

I am writing to give you an update on the status of Bill 21-0007 the Behavioral Health Coordination of Care Amendment Act of 2015:

- Bill 21-0007 the Behavioral Health Coordination of Care Amendment Act of 2015¹ was introduced on January 4, 2015 and a hearing was scheduled for February 4, 2015. The proposed bill would permit mental health information to be shared within a health care system based on HIPAA release of information criteria. Washington Psychiatric Society (WPS) consulted counsel before developing testimony² supporting Bill 21-0007 with amendments. Testimony was submitted at the hearing on February 4, 2015 before DC Council Health Committee Chair Yvette Alexander and Council Member David Grosso (see attached testimony).
- On February 10, 2015, WPS issued two notices via our eNews Flash about Bill 21-0007, one to WPS Members, and another to allied health organizations. Since then, WPS has received a number of emails from WPS members and allied health colleagues reflecting a range of reactions but, generally, requesting more time to examine the matter and advocating for protection of the patient's confidentiality in psychiatric medical and mental health treatment.
- Responding to input from WPS members and our allied health colleagues, on February 18, 2015, Mr. J.P. Brandt, Legislative Counsel for Chair Alexander, granted an extension of the deadline for submitting testimony until Wednesday, March 25, 2015.
- On February 23, 2015, WPS representatives met in the offices of Health Committee Chair, Yvette Alexander, with Legislative Counsel, Mr. J.P. Brandt, resulting in the following:
 - 📌 WPS affirmed that while collaborative care is important to patient treatment, confidentiality remains necessary for effective psychotherapy and patient trust in the psychiatric clinical encounter and psychotherapeutic relationship. Both mandates, sharing information when and only to the extent necessary to provide patient care, and the preservation of confidentiality, are not mutually exclusive and can be preserved.
 - 📌 WPS noted that Bill 21-0007, as introduced, contains a long list of health care professionals who might not have reasonable need to have access to a patient's private psychiatric and

¹ See WPS eNews FLASH of February 10, 2015.

² See WPS eNews FLASH of February 10, 2015.

mental health treatment information without the patient's knowledge or specific consent. WPS proposed amendments that included a more clearly defined list of clinicians, and suggested language to ensure that information would be shared within a group of health professionals, who would reasonably need to have access to mental health information and which would facilitate the sharing of information under an umbrella organization. For example, Kaiser DC would be able to share information with Kaiser VA or MD.

✚ WPS pointed out that protections afforded by HIPAA are the floor, i.e., a minimum goal, and the protection provided by the DC Mental Health Act is the standard that should be maintained. WPS also stressed the importance of addressing how any proposals for the sharing of information via electronic medical record systems will be implemented.

✚ WPS confirmed that, in accordance with HIPAA, psychotherapy notes continue to be protected.

- Mr. Brandt is receptive to more input from WPS and allied health colleagues and has requested samples of what should be shared and what should not be shared among an agreed upon list of clinician providers. **If you have suggestions or comments please send them to admin@psych.org or contact DC Council Health Committee Chair Yvette Alexander at yalexander@dccouncil.us.**

Thank you.

CONSTANCE E. DUNLAP, MD, DFAPA
President- elect and Federal Legislative Representative, WPS

Copy: STEVE EPSTEIN, MD, DFAPA
President, WPS

Link to Bill:
<http://iims.dccouncil.us/Download/33200/B21-0007-Introduction.pdf>

Link to Testimony Packet: <http://www.dcpsych.org/pdfs/DCPrivacyTestimonyPacketColleagues.pdf>

Washington Psychiatric Society

Tel. 202-595-9498

<http://www.dcpsych.org/>

Executive Director: Patricia H. Troy, IOM, CAE

E-mail: admin@dcpsych.org