



MDHHS-5515: BEHAVIORAL HEALTH CONSENT FORM BACKGROUND INFORMATION

Health information sharing is an important part of delivering quality health care to individuals. Individuals and their health care providers share information with each other to diagnose health issues, make decisions about treatments, and coordinate care.

Under the Health Insurance Portability and Accountability Act (HIPAA) and Michigan Mental Health Code, health care providers may share many kinds of health information with other providers for the purposes of payment, treatment, and coordination of care. However, providers must receive specific consent to share an individual's health records containing certain types of information. In Michigan, federal and state laws require providers to receive consent to share the following types of information:

- Behavioral health or mental health services (for purposes *other than* treatment, payment, and coordination of care)
- Diagnosis, referral, and /or treatment for an alcohol or substance use disorder

In the past, each provider has developed his or her own form to receive the individual's consent to share the above types of information. The differences between forms made sharing information across the health care system difficult for individuals and providers.

To address this problem, the Michigan legislature passed a law (Public Act 129 of 2014), which directed MDHHS to create a standard consent form for sharing the types of information listed above. The goal of the law is to make the consent process simpler for individuals and providers in Michigan.

MDHHS recognizes that multiple laws, statutes, and regulations govern the sharing of health information. The Department designed the consent form to align with the requirements contained in 42 Code of Federal Regulations Part 2 and the Michigan Mental Health Code.

Public Act 129 requires "all public and private agencies, departments, corporations, or individuals that are involved with treatment of an individual experiencing serious mental illness, serious emotional disturbance, developmental disability, or substance use disorder" to accept and honor the standard form (MDHHS-5515) unless the entity is held to more stringent requirements under federal law. The following entities are held to more stringent requirements and are not required to accept MDHHS-5515:

Individuals and agencies that provide services under the Victims of Crime Act, Violence Against Women Act, or Family Violence Prevention and Services Act. These individuals and agencies should not use the standard form and must complete a separate release for sharing health information. These entities can refer to the www.michigan.gov/bhconsent for more information.

For additional information about MDHHS-5515, contact the Department by phone at 844-275-6324 or by email at MDHHS-BHConsent@michigan.gov.

This document is for informational purposes only.

It is not intended to provide legal advice or to address all circumstances that might arise. Individuals and entities using this document are encouraged to consult their own legal counsel.