



2017 Michigan Mental Health Code (MMHC) Changes to Confidentiality

The MMHC was changed in 2017 in order to have the same rules as Health Insurance Portability and Accountability Act (HIPAA). Therefore confidential information can be given out as necessary for **treatment, coordination of care, or payment for the delivery of mental health service**. This is a significant change in the way confidential information has been handled in the past. You should keep in mind that there is still the requirement for “need to know” when sharing information. We also have the burden of making sure the person we are talking with is who they say they are. This may include asking for some type of identifying information from a hospital or other health care provider. In other words, just because someone says they are calling from a hospital or other health care entity and need information about John Doe, this information should not be shared without getting more information to identify themselves. With the new changes in the MMHC necessary information can be shared with treating professionals and others without a Release of Information. When information is shared a note in the clinical record should be made indicating who the information was given to and what information was given.

Some examples of information that may be shared without a Release of Information are as follows (this is not an all-inclusive list):

1. Sharing an Individual Plan of Service (IPOS) with an Adult Foster Care (AFC) Home for residents currently living in the home
2. Sharing medication information with emergency personnel who are caring for a consumer in an emergency situation
3. Sharing medication information with a Primary Care Physician
4. Sharing information with a hospital to arrange discharge
5. Telling a Medical Laboratory Company the consumer has a case manager
6. Applying for Medicaid through Michigan Department of Health and Human Services (MDHHS)
7. Sharing medications with the County Jail to continue treatment already received in the community
8. Coordinating after care with the County Jail when being referred to MCN
9. Coordinating treatment with Mental Health Court
10. Sharing the location of a consumer in order to assist with a Police Pick Up Order through the MMHC Petitioning Process

Situations when a Release of Information is still required:

1. Discussing care with a family member who is not a consumer’s guardian
2. Sharing information with a friend of a consumer
3. Sharing information with a land lord
4. Sharing information with the Police as to the location of a consumer, even if a warrant is provided
5. Sharing information with a school