



ADMINISTRATIVE/FISCAL/CLINICAL/PHF POLICY AND PROCEDURES

COUNTY OF SANTA BARBARA
ALCOHOL, DRUG AND MENTAL HEALTH SERVICES

Section - QUALITY ASSURANCE

Effective: 6/4/08

Policy - #38 CONSUMER DEATH OR SERIOUS INJURY

Revised:

Director's Approval (see Signature Sheet) _____

Date 6/4/08

Assistant Director's Approval _____

Date _____

Form Ref. -

Reviewed:

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POLICY:

If an individual who has received services from or through ADMHS sustains a serious injury or dies and that individual's family contacts ADMHS for information and/or support, ADMHS staff will take appropriate steps to offer support while maintaining the confidentiality of Protected Health Information (PHI).

PROCEDURE:

If an individual who is or has been an ADMHS consumer dies or sustains a serious injury and the consumer's family contacts ADMHS requesting support and/or information:

A. GENERAL

1. When ADMHS staff are contacted by one or more family members of a consumer who is deceased or has experienced a serious injury, staff's primary goal should always be providing support. Clinical staff are expected to be familiar with the process of grieving and to provide support to family members with that process in mind.

B. INITIAL CONTACT

1. ADMHS staff contacted by the family will respond in a supportive manner, recognizing the emotional impact of such events on family members.
2. If family member(s) contact non-clinical staff, the staff will attempt to immediately connect the family with an LPHA. If unable to make such arrangements, the staff contacted will refer the family to an appropriate LPHA (see B.4. below) and notify the LPHA.

3. If family member(s) contact an LPHA who is not familiar with the consumer, the LPHA will attempt to immediately connect the family with an LPHA familiar with the consumer's treatment. If unable to make this connection, the LPHA will refer the family to an appropriate LPHA and ensure that the LPHA is notified of the contact and request.
4. Referral should be made to an LPHA who is not on leave or vacation or otherwise unavailable, and who has been involved with the consumer's treatment as recently as possible. If no such LPHA is available, referral will be made to the supervisor or manager of the contacted program.

C. RELEASE OF INFORMATION

1. Even if a consumer is deceased or medically unable to communicate, the patient's PHI is protected by state and federal legislation, including HIPAA.
2. No information derived from psychotherapy sessions or psychotherapy progress notes can be released without a written request, which is made through Patient Records.
3. General educational information regarding mental health issues may be provided.
4. In the case of a deceased consumer, a beneficiary of the consumer's estate can authorize the release of mental health information, except psychotherapy notes. There is a presumption that the consumer's parents, siblings, spouse or partner, and children are beneficiaries and therefore able to obtain medical information.
5. No PHI should be released to family members except by an LPHA. An LPHA should use clinical judgment to determine what information to release, taking into consideration such factors as the information of which the family member is already aware and whether or not the release of specific information is reasonably expected to emotionally benefit the family member.
6. Examples of information which are likely to be released include:
 - a. Diagnosis, with a simple, comprehensible explanation of the symptoms associated with the diagnosis.
 - b. General history of treatment, including general information regarding types of treatment provided or recommended as well as participation in and compliance with treatment.
 - c. For a consumer who has apparently committed suicide or has sustained serious injury apparently related to the consumer's mental health, a general discussion of the occurrence of such events among individuals with mental disorders, in order to provide context to the family's experiences.

D. SUPPORT

1. ADMHS staff will provide appropriate support to family members, in keeping with their experience, licensing, and training.

2. Depending on circumstances, and using professional judgment, staff may choose to meet with family members in person or speak to them over the phone.
3. In addition to providing direct support, staff are encouraged to assist family members in accessing appropriate services.
 - a. If it appears that family members may be experiencing emotional or mental symptoms which would benefit from professional mental health services, staff will provide referrals and assistance in obtaining those services. This may include referring the family members to the 211 line or to Access.
 - b. If it appears that family members might benefit from community support groups or other non-professional services, staff will provide referrals and assistance. This may include referring family members to the 211 line.

Assistance:

Quality Assurance Coordinator

Reference:

Civil Code §56.11
Health & Safety Code §123105(e)
45 C.F.R. §164.502(g)(4)

Replaces: