

<b>ADAMHS BOARD FOR MONTGOMERY COUNTY</b>		<b>BP # 404</b>	
<b>TITLE</b>	Service Definitions/Standards	<b>SUBJECT</b>	Program
Page 1 of 2		<b>EFFECTIVE DATE</b> August 2, 2006	<b>SUPERSEDES DATE</b> 7/1/04; 7/1/03; 3/27/02

**PURPOSE:** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) granted individuals the right to receive adequate notice of the uses and disclosures of their protected health information (PHI) that may be made by a covered entity, and the individual's rights and the entity's legal duties with respect to PHI. This policy has been developed to assist the Board to comply with the law and to guide Board staff in establishing guidelines and procedures implementing and assuring consistent application of service definitions/standards by Alcohol, Drug Addiction and Mental Health Services Board for Montgomery County Board and contract agency staff.

### **POLICY**

It shall be the policy of the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board for Montgomery County that the definitions of alcohol, drug addiction, and mental health terms and services shall be consistent with the definitions used by the Ohio Department of Mental Health, (ODMH) and the Ohio Department of Alcohol and Drug Addiction, (ODADAS). Units of service, and service standards established by the ADAMHS Board shall be used in the planning, budgeting, monitoring, reporting and evaluating activities of the alcohol, drug addiction, and mental health system. See 404A & B.

The ADAMHS Board for Montgomery County adopts the requirements and procedures for mental health services and drug and alcohol services provided by agencies as found in ODMH Administrative Rules 5122-29 and in ODADAS Administrative Rules 3793. The Board may require higher standards for services than ODMH and ODADAS when appropriate.

The ADAMHS Board for Montgomery County adopts the qualifications an individual must possess in order to provide or supervise the provision of any mental health service and drug and alcohol services as found in ODMH Administrative Rules 5122-24 and in ODADAS Administrative Rules 3793.

The ADAMHS Board for Montgomery County adopts the certification definitions as found in ODMH Administrative Rules 5122-24, ODADAS Administrative Rules 3793, and Ohio Revised Code.

The ADAMHS Board for Montgomery County will subsidize housing (community residence and residential support) for a Montgomery County client while hospitalized in

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Page 2 of 2		<b>EFFECTIVE DATE</b> August 2, 2006	<b>SUPERSEDES DATE</b> 7/1/04; 7/1/03; 3/27/02

a psychiatric facility and/or alcohol and drug residential treatment facility up to 90 days per fiscal year.

All contract providers will adhere to applicable State and Federal laws, to include HPAA Privacy Rules, qualifications of staff and certification definitions.

## **DEFINITIONS**

- 1.1 Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA is comprehensive law enacted by the United States government. The law has several subparts providing such benefits as guaranteed portability and renewal of insurance benefits between employers, tax provisions for medical savings accounts and administrative simplification to improve the efficiency and effectiveness of the health care system. During the latter part of the 1990's, the Secretary of the Department of Health and Human Services drafted regulations for standardizing the electronic interchange of administrative and financial data and protecting the security and privacy of personal health information. HIPAA requires health care providers, health plans and health care clearinghouses to transition to the use of standard code sets and "electronic data interchange (EDI) and to maintain reasonable and appropriate administrative, technical, and physical safeguards to insure the integrity and confidentiality of healthcare information; to protect against reasonably foreseeable threats and hazards to the security or integrity of the information; and, to protect against unauthorized uses or disclosure of the information. Compliance with the first of the HIPAA rules is scheduled for early 2003. HIPAA also provides criminal penalties for failure to comply with the regulations.
- 1.2 Protected Health Information (PHI). The final rule defines PHI as individually identifiable health information that is transmitted by electronic media; maintained in any electronic medium such as magnetic tape, disc, optical file; or transmitted or maintained in any other form or medium (i.e. paper, voice, Internet, fax etc.).