

Electronic Consent Management example use cases

The HIPAA privacy rule	42 CFR Part 2
<p>Establishes national standards to protect medical records and other patient-identifying health information and applies to health plans, healthcare clearinghouses, most health care providers, and the business associates of these entities.</p> <p>Generally, disclosures are allowed for treatment, payment, and healthcare operations, but these situations should be analyzed in detail.</p>	<p>Applies to federally assisted treatment programs that hold themselves out to the public to provide substance use disorder diagnosis, treatment, or referral for treatment (Part 2 Programs).</p> <p>Except for disclosing information in response to a medical emergency, disclosures outside the program are not allowed for treatment functions without explicit consent.</p>

Provider perspective: sharing SUD treatment information using the baseline ECM solution

Barbara is a mental health counselor at a Part 2 program working with patient Jean. Barbara would like to share assessments and medication information with Jean's primary care provider Dr. Ally. Barbara knows that any release of SUD information other than for a medical emergency requires explicit consent from Jean.

The following steps show how Barbara would use the Electronic Consent Management (ECM) baseline solution to create a consent to share Jean's information with Dr. Ally:

1. Barbara logs into the ECM system using the ShareApprove ECM portal or invokes the system from within their interoperable EHR and partners with Jean to create a consent.
 - a. Barbara can also check if a consent exists and modify the existing consent.
2. Jean reviews, confirms, and signs the consent.

Note: HIPAA and 42 CFR Part 2 have different requirements for a valid consent, though one form can meet both the requirements of both laws.

While consent may not be required under HIPAA, it's usually preferable to obtain it if possible.

3. Jean now has a valid 42 CFR Part 2 consent with all the required data elements, designations for who can receive her data, and verbiage on data use restrictions.
4. Barbara can now proceed with sharing Jean's data in compliance with 42 CFR Part 2 Conditions for Use or Disclosure of SUD Information.

Note: The requirement for written consent does not prevent the primary care physician from sharing with the Part 2 program. A Part 2 program should take care when requesting information to not inappropriately reveal that person is being treated for an SUD, which would be considered a disclosure by itself.

5. If Jean wants to make changes or revoke the created consent, she can contact the provider's office to work with staff to complete that in the ECM system.

Patient perspective: sharing SUD treatment information using the expanded ECM solution

Tyrone used to be a patient of Dr. Bernstein. Recently, Tyrone moved to another city. Tyrone would like to share his assessments and other SUD information from his previous SUD provider's office to his new SUD provider's office.

The following steps show how Tyrone would use the ECM expanded solution to manage his consents:

1. Tyrone logs into the ShareApprove ECM portal via a phone app.
2. Tyrone creates a new consent to share their health data.
 - a. Tyrone can also view, modify, or revoke an already-existing consent.
3. The consent, which is electronically created with all the 42 CFR Part 2 required data elements, designations for who can receive his data, and verbiage on data use restrictions, is stored within the ShareApprove portal for access by providers listed on the consent.

Reference: [Sharing Substance Use Disorder \(SUD\) Information: A Guide for Washington State \(HCA 60-0015\)](#)

Provider perspective: sharing SUD treatment information using the baseline ECM solution



Log-In

- Barbara logs into the ECM system via the ShareApprove ECM portal or invokes the system from within their interoperable EHR.



Create Consent

- Barbara partners with Jean to create a consent.
 - *Barbara can also check if a consent exists and modify the existing consent.*



Patient Review

- Jean reviews, confirms and signs the consent.



Success!

- Jean now has a valid 42 CFR Part 2 consent that has all the required data elements, designations for who can receive her data, and verbiage on data use restrictions.



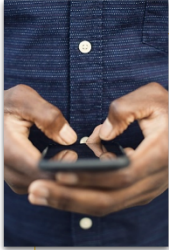
Disclosure

- Barbara can now proceed with sharing Jean's data in compliance with 42 CFR Part 2 Conditions for Use or Disclosure of SUD Information

Barbara is a mental health counselor at a Part 2 program working with patient Jean. Barbara would like to share assessments and medication information with Jean's primary care provider Dr. Ally. Barbara knows that any release of SUD information other than for a medical emergency requires explicit consent from Jean.

This graphic outline shows the workflow of how Barbara would use the ECM baseline solution to create a consent to share Jean's information with Dr. Ally.

Patient perspective: sharing SUD treatment information using the expanded ECM solution



Log-In

- Tyrone logs into the ShareApprove portal via phone app.



Create Consent

- Tyrone creates a new consent to share their health data.
- *Tyrone can also view, modify or revoke an already existing consent*



Success!

- The consent, which is electronically created with all the 42 CFR Part 2 required data elements, designations for who can receive his data, and verbiage on data use restrictions, is stored within the ShareApprove portal for access by providers listed on the consent.

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