

## COORDINATED CARE ORGANIZATIONS

### INFORMATION SHARING OF MENTAL HEALTH TREATMENT RECORDS

New Oregon laws specifically grant Coordinated Care Organizations (CCOs) the authority to share confidential information within their provider network and with the Oregon Health Authority (OHA) and Department of Human Services (DHS). These new state laws will increase the ability of CCOs to provide coordinated, whole-person care.

State law requires CCOs to use and disclose confidential member information. More information about how state laws require a CCO to share confidential member information can be found at: <https://cco.health.oregon.gov/Pages/ResourcesCHA.aspx>.

In general, Oregon state law treats the sharing of most mental health records the same as physical health records. This document addresses the extent to which mental health records must be handled differently than physical health records by CCOs.

ORS 414.679 specifically permits a provider within a CCO network to share a member's mental health diagnosis within the CCO network without the member's consent. In addition, SB 1580 (2012) amended ORS 179.505 so it is not a barrier to a CCO sharing confidential information with its provider network and with OHA and DHS. However, SB 1580 did not change the provision in ORS 179.505 that requires patient consent prior to the disclosure of psychotherapy notes. "Psychotherapy notes" are specifically defined in ORS 179.505.

There are a few situations in which a provider may disclose psychotherapy notes without a release and a CCO should review ORS 179.505(17)(b) to better understand these exceptions. CCOs should be aware that a specific authorization from a member is required to use or disclose psychotherapy notes rather than a general release of information. See ORS 179.505(17)(c).

#### **Co-occurring Disorders (COD)**

Providers offering **treatment for co-occurring disorders** (substance use disorder and mental health treatment) also should familiarize themselves with 42 CFR Part 2 and ORS 109.675 (age of majority law for patients 14 years and older). These statutes relate to release and sharing of mental health treatment records and consent requirements of minors. See also the "CCO Information Sharing for Substance Use Disorder" document found at the following OHA web site: <https://cco.health.oregon.gov/Pages/ResourcesCHA.aspx>.

#### **DISCLAIMER**

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