

Update on Creation of Standardized Release of Information Form

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Brief History of Project

- In letter dated March 18, 2019 Senator Dance requested that DBHDS, VADOC, and SCB collaborate on development of single statewide HIPAA compliant release form
- Previous JCHC study on quality of healthcare services in Virginia jails identified lack of single statewide form as a barrier to information sharing
- Form targeted at individuals in jails/prisons and to be used by jails, prisons, community mental health providers, state psychiatric system, and/or a hospital
- Report and HIPAA compliant form due to JCHC by October 1, 2019

Process

- Gathered samples of release of information forms from VADOC, state psychiatric facilities, CSBs, local jails, and regional jails
- Attempted to integrate the best elements of each form
- Integrated state and federal law requirements
- Met and drafted one statewide form
- Sent draft release of information form to representative local jails, regional jails, CSBs, state psychiatric facilities, and VADOC facilities for review and feedback
- Concurrently sent draft to Office of Attorney General

Current Status

- Receiving feedback from constituents
- Making adjustments to form based on feedback
- Pending review by OAG Attorneys to ensure form complies with state and federal laws

Possible Barriers to Implementation of Statewide Uniform Release of Information

- Cannot force compliance (from all entities) as we do not have the authority to require use
- Form would need to be incorporated into each agency's Electronic Health Record (EHR), which could have an associated cost to the local/state agency
- Each entity has their own legal representation who may interpret HIPAA differently

Possible Solutions

- DBHDS, VADOC, and SCB will provide education and technical assistance to partner agencies to address concerns and strongly encourage use
- Include requirement for use in new BOC health care standards (but this will not address all the entities who could/should use this uniform form)
- If collaborative approach is unsuccessful, a clarifying amendment to Code or budget language