

Medically Frail FAQ

Q: What is Medically Frail?

- A:**
- Medically Frail is a federal designation.
 - It is for HIP members with physical, behavioral health (including substance abuse) conditions.
 - HIP members that are validated medically frail have enhanced benefits for dental, vision, chiropractic and Medicaid Rehab Option (MRO).

Q: How is a member assessed for Medically Frail status?

- A:**
- A member's clinical history is reviewed for specific disorders.
 - Physical disorders in addition to BH conditions help the member meet the medically frail designation.

Q: How can I refer a member to Medically Frail?

- A:**
- Complete a fax referral form and fax or email to MDwise.
 - Subject line: referral.
 - Include: name, rid, and phone #.
 - Reason for referral.
 - Attach any clinical information including medications and providers.
 - MDwise Contact Info:
 - Fax to [844-407-6455](tel:844-407-6455) and local is [317-715-4215](tel:317-715-4215) Attn. Medically Frail.
 - Voicemail number is [844-293-6307](tel:844-293-6307) and local is [317-822-7577](tel:317-822-7577).
 - Secure email to MedFrailFax@MDwise.org.

Q: What laws govern the disclosure of our patients' health information to a managed care entity?

- A:** There are many federal and state laws that govern the use and disclosure of a patient's health related information. These include the Health Insurance Portability and Accountability Act of 1986 (HIPAA) and the privacy regulations implemented under HIPAA, which restrict the use and disclosure of an individual's protected health information; the Federal Confidentiality of Substance Use Disorder Patient Records regulations, which protect the confidentiality of substance use disorder treatment records; and Indiana Code sections 16-39-2-6 and 16-39-5-3, which identify the individuals and entities to which a health care provider can disclose mental and physical health information without the patient's consent.

Q: Can we share a patient's health information to a managed care entity under these laws?

- A:** In general, yes, with limitations. Even without the patient's prior consent or authorization, a provider can use or disclose a patient's health information for treatment, payment and other limited purposes. This means that you can disclose, for example, a patient's information in order to obtain prior authorization for items or services, arrange for treatment by another provider or to obtain payment for services provided. We will not ask for, nor should you disclose to us, a patient's health information for other purposes unless a written authorization has first been obtained from the patient. Please keep in mind that there are different requirements that apply to the disclosure of substance use disorder treatment records (discussed below).

Q: What type of health information can we disclose to a managed care entity about our patients, and how much?

A: You can disclose any health information about the patient that we need to have in order to obtain prior authorization for services or for whatever other legitimate reason for which we have requested information or for which you have chosen to disclose such information to us. We will only ask for, and you should only disclose, the minimum amount of health information about a patient that is needed for the purpose at hand.

Q: CMHCs have a program (or individual providers) that treat patients with substance use disorders. Do the Federal Confidentiality of Substance Use Disorder Patient Records regulations apply to these programs or providers?

A: Yes, more than likely they do. These regulations place prohibitions on the use or disclosure of substance use disorder (SUD) treatment patient records that are much more restrictive than HIPAA but that apply to a narrower group of records and providers. In general, the Federal Confidentiality of Substance Use Disorder Patient Records regulations prohibit, with very narrow exceptions, the use or disclosure of information that would identify a patient as having or having had an SUD without the patient's written authorization. These restrictions apply to any individual or entity (other than a general medical facility) or an identified unit within a general medical facility that holds itself out as providing, and provides, SUD diagnosis, treatment or referrals for treatment; and to medical or other personnel within a general medical facility (such as a CMHC) whose primary function is to provide SUD diagnosis, treatment or referral for treatment, if the individual or entity receives nearly any type of federal monies or is registered or certified by a federal agency (such as a registration with the DEA that permits the use of controlled substances in the treatment of SUDs).

Q: Can we disclose information about individuals being treated for an SUD in a treatment program or by an individual provider to a managed care entity?

A: You can only disclose to us information that identifies the individual as receiving treatment, or having received treatment, for an SUD with the written authorization of the patient. This includes information that is not directly related to the SUD treatment. For example, if a practitioner who primarily treats patients for SUDs needs to provide us with information about a patient's physical disorder, that practitioner must first obtain the patient's authorization to disclose this information. This is because the practitioner is identified as an individual whose primary function is to treat patients with SUDs. We are prohibited under the same regulations from further disclosing any such information provided to us.

Q: The requirements of the Federal Confidentiality of Substance Use Disorder Patient Records regulations are somewhat confusing. Can you provide us with any additional information on what records these regulations apply to and which providers?

A: The Substance Abuse and Mental Health Services Administration (SAMSHA) has a good amount of information about these regulations and how they apply to providers on its website located at <https://www.samhsa.gov/about-us/who-we-are/laws-regulations/confidentiality-regulations-faqs>. Especially helpful is a Fact Sheet entitled Disclosure of Substance Use Disorder Patient Records: Does Part 2 Apply to Me? This can be found at <https://www.samhsa.gov/sites/default/files/does-part2-apply.pdf>.