

August 7, 2020

**ILLINOIS HEALTH AND HOSPITAL ASSOCIATION  
M E M O R A N D U M**

SUBJECT: COVID-19 Behavioral Health Update

Below are several new updates concerning hospital and health system behavioral healthcare, including:

- A reporting reminder from the Centers for Medicare & Medicaid Services (CMS);
- A summary of substance use disorder record sharing final rule changes;
- Mental health and suicide-related resources;
- A proposed rule from the Illinois Dept. of Insurance (IDOI) on targeted community mental health services; and,
- COVID-19 resources from The Joint Commission;
- Reminder of background and direction for IHA resources regarding COVID-19.

If you have questions or comments regarding these notifications, please [contact IHA](#).

**CMS-Requested Reporting Reminder**

The Illinois Dept. of Public Health reached out to IHA to remind hospitals that CMS has requested any reporting of death in restraints be transmitted electronically, not via fax.

**Revised Rule Announced on Substance Use Disorder Record Sharing**

On July 15, the Substance Abuse and Mental Health Services Administration (SAMHSA), part of the U.S. Department of Health and Human Services (HHS), adopted a [final rule](#) further amending the Confidentiality of Substance Use Disorder (SUD) Patient Records regulations at 42 C.F.R. [Part 2](#) following changes made in 2018, this time in response to the opioid epidemic. The new Part 2 rules clarify disclosures of SUD treatment records for care coordination, during medical emergencies, and for payment and healthcare operations; aligning Part 2 more closely with the Health Insurance Portability and Accountability Act ([HIPAA](#)).

Regarding written consent requirements, the rule now allows patients to consent to the disclosure of their information to an entity, without naming a specific individual as the recipient of disclosure. This is intended to aid in care coordination and allow patients to more easily apply for benefits or resources. To facilitate coordination of care activities by non-Part 2 providers, clarification was provided that treatment records created by these providers based on their own patient encounters are explicitly not covered by Part 2, excluding records that were previously obtained from a Part 2 provider and incorporated (which can be segregated). The definition of "Records" is also revised to create an exception so that information conveyed orally by a Part 2 program to a non-Part 2 provider for treatment purposes with consent of the

patient does not become a record subject to Part 2 regulations merely because that Part 2 information is reduced to writing by that non-Part 2 provider.

The final rule does not change some fundamental aspects of the Part 2 regulations regarding confidentiality protections for the unauthorized use and disclosure of substance use disorder records. Law enforcement are still prohibited from using substance use disorder records in criminal prosecutions without a court order. Patient consent is still required before a provider may disclose substance use disorder records, except:

- As statutorily authorized in the context of a bona fide medical emergency;
- For the purpose of scientific research, audit, or program evaluation; or
- Based on an appropriate court order.

HHS has issued a [fact sheet](#) explaining what has and has not changed under the new Part 2 rules. The rule does not include anticipated changes to Part 2 under the regulations implementing the [Coronavirus Aid, Relief, and Economic Security Act](#) (CARES Act), enacted on Mar. 27. See the Mar. 26 IHA Memo, [CARES Act \(H.R. 748\) – Overview of Hospital Provisions](#), for more details. HHS is expected to further modify several of the amendments adopted in this final rule to implement the CARES Act.

### **DCFS Notice on CANTS Forms**

The Division of Mental Health has been notified that effective immediately, Illinois Department of Children & Family Services will no longer accept CFS689 (Child Abuse and Neglect Tracking System, or CANTS) forms via standard mail delivery. CFS689 forms will only be accepted electronically, via their dedicated email address: [DCFS.689Background@Illinois.gov](mailto:DCFS.689Background@Illinois.gov).

### **Mental Health and Suicide Prevention Resources**

September is National Suicide Prevention Awareness Month. This year's theme is "Be the One to Help Save a Life". We strongly encourage hospitals and health systems to recognize suicide prevention month in their communities. Resources for community engagement and education can be [found here](#).

#### *City of Chicago*

As a reminder, in April the city of Chicago [announced](#) the launch of a [microsite](#), offering a variety of free resources and supports for healthcare workers and first responders during the COVID-19 pandemic. These resources and supports are offered under a partnership between the Chicago Department of Public Health (CDPH), Illinois Health and Hospital Association (IHA), Illinois Primary Health Care Association (IPHCA), and NAMI-Chicago. Mental health resources include:

- Free virtual support groups;
- Free individual and group psychotherapy; and

- A mental health resource dashboard featuring free apps, self-assessments, hotline supports, video tutorials, and fact sheets.

#### *Illinois Department of Human Services*

The Illinois Department of Human Services (IDHS) has compiled text and hotline resources for individuals seeking emotional support. The IDHS [Help is Here: Talk to Someone](#) webpage or resources therein can be distributed broadly for staff, patient and community needs.

#### *Suicide Prevention Resource Center*

Suicide Prevention Resource Center (SPRC) has released two new resources for COVID-19 pandemic crisis response, which offer practical guidance modeled on the National Organization for Victim Assistance (NOVA) Crisis Response Program:

- [Supporting a Family Member Who Is a Health Care Worker](#); and,
- [Supporting the Children and Teens of Health Care Workers](#).

A complete list of SPRC resources, including hospital initiatives, can be [found here](#).

#### *Education Development Center*

The Education Development Center, a global non-profit with expertise in suicide prevention, has published [6 Ways to Stay Calm During Coronavirus](#).

#### *Member Spotlight*

Blessing Health System has shared a video presentation with IHA members developed for Quincy Public Schools school personnel. Personnel can access [How to Help Teachers and Student Deal with Anxiety and Cope with COVID-19](#) from home prior to returning to school.

#### **IDOI Issues Proposed Rule on Targeted Community Mental Health Services**

On July 10, a proposed rule from IDOI was published in the [Illinois Register](#) (p.11378) on medical necessity criteria for community mental health services not typically covered by commercial insurers that are delivered to individuals with serious mental illnesses under the age of 26. Medical necessity criteria is proposed for several interdisciplinary, team-based treatment models, which are also defined in the proposed rule:

- Coordinated Specialty Care for First Episode Psychosis Treatment (p.11384-11386);
- Community Support Team Treatment (11386-11390); and
- Assertive Community Treatment (11390-11393).

Each of these treatment models includes criteria for service initiation, continuing service, exclusion, and discharge / service termination (where applicable). The new criteria would be required for utilization review under any individual or group accident and health insurance coverage, HMO health care plans, and self-insured health benefit plans offered to the employees of the State, counties, municipalities, and school districts.

Written comments on the proposed rulemaking will be **due by Monday, Aug. 24** (see p.11379 for contacts for comment submission).

### **The Joint Commission Resources**

As a reminder, The Joint Commission (TJC) has compiled behavioral health, staffing and telehealth [COVID-19 resources](#). The resources include guidance from TJC, US Health and Human Services, the Centers for Medicare and Medicaid Services, Food and Drug Administration, National Institute on Drug Abuse, American Society of Addiction Medicine and Substance Abuse and Mental Health Services Administration. Upcoming TJC webinars also include:

- Virtual Learning Day for Behavioral Health (Aug. 20 - [View Event](#)); and,
- Conquering Challenging Behavioral Health Standards (Aug. 13 - [View Event](#)).

### **Reminder: IHA COVID-19 Resources**

As a reminder, IHA has resources on its [website](#) that has the latest health care news on top of legislative proposals, industry trends, and local issues. You will have access to news articles, IHA's Daily Briefing, IHA press releases, and member news spotlight, all of which can be filtered by category.

IHA also has a dedicated [COVID-19 webpage](#) with the latest information for healthcare providers and the public. We encourage all members to visit this page for the latest updates on key items (e.g. federal and state waiver requests, C-suite memorandums, telehealth, etc.). For example, [General Recommendations for Healthcare Settings](#) from the Illinois Department of Public Health is listed as a resource under *Clinical Guidance for Providers* on the IHA COVID-19 webpage.

To subscribe to IHA Memos and Daily e-Clips via email, please send an e-mail to [DailyBriefing@team-iha.org](mailto:DailyBriefing@team-iha.org).