

There were several legal questions raised regarding the use of the new program, which is housed on the Ohio Mental Health and Addiction Services' (OhioMHAS) electronic platform. After conversations with attorney's for the Ohio Department of Mental Health and Addiction Services and the Boards, here are the answers to those questions.

1. Does an AOT program participant have to sign a Release of Information (ROI) in order for his/her data to be entered into the portal?
Yes. Below is the link to Ohio's new Standard Authorization Form.
<https://medicaid.ohio.gov/Portals/0/Providers/SAF/SAF.pdf>
2. Can courts order people on AOT to sign an ROI?
Yes, however, in many cases it shouldn't be necessary if the person understands what information is being collected and why.
3. Do county programs have legal authority to enter data on a person who is no longer on AOT?
No, not without an ROI. You can handle this two ways, (1) ask the person to sign an ROI when he/she exits the program giving permission to follow up in 6 months and again in 12 months to see how he/she is doing and to collect post AOT information, or (2) have the initial ROI state that it expires 12 months after exit from the program and to include post-exit follow-up as an authorized purpose.
4. Are counties allowed to share the names of people on AOT with the state?
Yes, provided the board (or provider acting on behalf of the board) and OhioMHAS sign a Business Associate Agreement (BAA) enabling the two parties to share information while providing for the protection of Personal Health Information (PHI). See attached agreement, which has been developed by OhioMHAS and Christina Shaynak-Diaz, attorney for several Ohio ADAMH Boards.
5. Who in my county has authority to sign the BAA?
The ADAMH Board is considered the "covered entity" on the attached BAA, so it would need to be signed by the Board's authorized signatory. This varies from Board to Board. Some Boards only require the signature of the Executive Director and other Boards require both the Executive Director and the Board Chair.
6. Once the BAA is signed, can I begin to enter the data into the portal?
Yes, if you work for the Board, you may begin entering the data. If you work for a provider that is under contract to the Board to serve as the AOT monitor and process data on behalf of the Board, you may begin entering the data.
7. Can the Treatment Advocacy Center receive de-identified information from the state for evaluative purposes?
Yes. There is a provision in the BAA that enables the Department to share de-identified information.