

The new data items that are addressed by the *Authorization for Release of Behavioral Health Information Form (TRS-61)* were added to the data collected by OASAS to assist OASAS in implementing Governor Cuomo's Medicaid Redesign initiative and to comply with mandatory federal reporting requirements. All clients should be offered the opportunity to sign the *Authorization for Release of Behavioral Health Information Form (TRS-61)* at the time of admission into any OASAS-certified treatment program beginning October 1, 2014 or, if admitted prior to October 1, 2014 and if participating in an Opioid Treatment Program, at the completion of the Opioid Treatment Annual Update. The client should be aware that signing or refusing to sign the consent form does not impact admission disposition. A client can sign the consent form at any time during their treatment episode with the knowledge that it allows consent of the data for the entire treatment episode, from admission through discharge and is valid for three years following the last date of service. Clients have the right to revoke this consent at any time. OASAS will not re-disclose any information.

By signing and dating the Authorization for Release of Behavioral Health Information TRS-61, the client authorizes the program to release to OASAS all personal health information including the Medicaid ID, if applicable, and the client's full name. When a client gives this consent, the program should enter the date the TRS-61 was signed into the Client Data System (CDS) using the appropriate PAS form. If a date is entered, the program can enter the following data items: Full Last Name at Birth, Full Current Last Name, First Name, and Medicaid Client ID. If an ID Consent Date is entered in any PAS form, the program must enter, at a minimum, the Full Last Name at Birth and Full Current Last Name.

In addition to signing and dating the TRS-61, there are two additional sections that address the Social Security Number and HIV-AIDS related information.

The first is the following:

___ If you initial this line, HIV-AIDS RELATED information can also be released to OASAS. You do not have to initial this line.

If the above section is initialed, the program can then enter information regarding the client's HIV status on the appropriate PAS forms in the CDS. If

NYS Office of Alcohol and Substance Abuse Services
Guidance for Using the Authorization for Release of Behavioral Health Information
(TRS-61)

the client does NOT initial this section, the program should NOT enter the HIV status of the client, even if it is known by the program.

The second section is as follows:

 If you initial this line, your Social Security number can also be released to OASAS. You do not have to initial this line.

If this section is initialed, the program can enter the client's FULL Social Security number (SSN) on the appropriate PAS forms in the CDS. If the client does NOT initial this section, the program should NOT enter the FULL Social Security number of the client. The program must continue to enter the last four digits of the client's Social Security number as this is part of the Client Tracking ID utilized by OASAS to track clients as they move through the treatment system. (Not all clients will consent to release of their full SSN.)

Below are examples of possible options of consenting to the release of various data items.

- A client may elect to initial both the HIV-AIDS related section and the SSN sections of TRS-61 in addition to signing and dating the form. The program then would enter all known client identifying information (last full name-both current and at birth, first name, Medicaid Client ID, and SSN) as well as HIV status.
- A client may elect to initial the section indicating consent to release HIV-AIDS related information in addition to signing and dating the TRS-61. In this case, the program would enter HIV-AIDS related information in addition to all known client identifying information, but would not enter the SSN.
- A client may elect to initial the section indicating consent to release his/her SSN in addition to signing and dating the TRS-61. In this case, the program would enter the client's full SSN number on the appropriate PAS form in addition to all known client identifying information but would not release HIV-AIDS related information.
- A client may elect to ONLY sign and date the TRS-61 and not initial either section on the form. If this takes place, the treatment program

should confirm with the client that they intended to leave those items blank. If so, then the program must enter the date the form is signed in ID Consent Date field on the appropriate PAS form. The full current and birth last name must be entered. If the client's first name and Medicaid Client ID are known, they should also be entered on the appropriate PAS form.

- A client cannot consent to the release of ONLY Social Security number or ONLY HIV-AIDS related information. If the client initials either section, he/she MUST sign and date the TRS-61 and by doing so consents to the release of full current and birth last name, first name, and Medicaid Client ID (if applicable).

Frequently Asked Questions:

1. The TRS-61 states *“This authorization may include disclosure of all of my health information”* and later under #6, *“I also consent to all necessary communications between this facility and OASAS relative to my past alcohol and/or substance abuse treatment history; current and proposed treatment services.”* This sounds too comprehensive given the purpose as we understand it – submitting selected info via the Client Data System.

Ans.: The described “all necessary communications” between OASAS and the provider are limited to issues which may arise related to the information collected by the CDS.

2. The TRS-61 states the consent is voluntary but it also states *“However, I do understand that I may be denied treatment in some circumstances if I do not sign this consent.”* What is this referring to?

Ans.: An example of a possible situation would be as follows: the information is needed to ensure payment for treatment services, a client can be denied services where the lack of consent to disclosure would result in the provider not receiving payment for treatment services rendered.

3. What happens if the client refuses to consent or revokes consent? How is that documented?

Ans.: If the client refuses to consent, then simply do not put the new client identifying information on the form and indicate "Unknown" for the HIV status question. OASAS does not require that you document the client's refusal to sign the consent form. The consent is between the provider and the client.

If the client revokes consent at any time, the admission or Opioid Treatment Annual Update (OTAU), whichever is appropriate, must be edited to include the revoke date as soon as possible. It is not necessary to make any other edits or changes to the admission or OTAU. Regarding documentation, OASAS does not require that you do anything other than enter the date the consent was revoked. It is up to each program as to how they would like to handle documentation of this issue for their own records.

4. If my program uses electronic medical records (EMRs), how is the consent form to be maintained?

Ans.: Each program should decide how they wish to handle creating the consent form and appropriate signature(s) in the case of EMRs.

5. If the client is a minor, do both the minor and guardian need to sign?

Ans.: The rules regarding the signing of consents by minors and/or guardians is specified in MHL §22.11.

6. When will the TRS-61 be available in Spanish or other languages?

Ans.: The TRS-61 will be available in other languages shortly.

7. Will the TRS 2.3 Managed Addiction Treatment Services (MATS) still be required in addition to the TRS-61?

Ans.: No the TRS 2.3 is no longer required as Managed Addiction Treatment Services data collection is no longer active. However, the TRS-61 does not replace any consent/authorization forms.