

Monterey County Behavioral Health, Quality Improvement

RE:	Restraining Order(s)
POLICY REFERENCE	California State Bill (SB) 24, Legislative Year 2021 Family Code §6322
EFFECTIVE	January 1, 2023

Topic

SB 24 authorizes a court to include in an ex parte order a provision restraining a party from accessing records and information pertaining to the health care, education, daycare, recreational activities, or employment of a minor child of the parties. Monterey County Behavioral Health (MCBH) and its contracted providers will adhere to the law regarding protecting health information from a restrained party when that provision has been granted. The purpose of this protocol is to establish a procedure which will protect health information of beneficiaries who have obtained such an order and shall ensure that protected health information will not be released to the restrained party.

Procedure

1. A beneficiary and/or parent/guardian/authorized representative provides their case coordination with a signed Restraining Order with provision, stating that health information shall not be shared with the restrained party.
2. The case coordinator will review the order and confirm that the contact information in the beneficiary record is current. The case coordinator and/or designated Patient Service Representative will scan the Restraining Order immediately into the beneficiary's record.
3. The case coordinator will immediately notify the Quality Department at 415-QA@co.monterey.ca.us of this completed action.
4. Upon receipt of email from the case coordinator about the scanned Restraining Order, the Medical Records Technician (MRT) and/or QI Designee will complete the Verification of Receipt of Restraining Order form in Avatar. The MRT and/or QI Designee will mail a copy of the Verification of Receipt of Restraining Order form to the requesting party.
5. The Medical Records Technician and/or QI Designee will place an Alert in the beneficiary's chart. The specific alert verbiage shall say: "Warning: Restraining Order in Place. Information Sharing Restricted to Identified Person. See scanned document."
6. The Alert shall remain in the beneficiary's chart until MCBH is provided with proof that the Restraining Order with provision has been lifted and/or unless an end date has been identified on the received Restraining Order document.