

QUICK REFERENCE GUIDE FOR INFORMATION SHARING UNDER JUVENILE MENTAL HEALTH SCREENING, ASSESSMENT AND TREATMENT PILOT PROJECT ¹

I. MAYSI 2, SCREENING RECORDS:

What may be disclosed: Results of the MAYSI-2 screen, i.e., the scores of the MAYSI-2, (**never the actual questions and answers**) will be disclosed only to the degree necessary to obtain a mental health assessment and/or mental health treatment for youths in detention.

Sharing results: There are **three** ways screening results may be shared²:

1. *With consent:* with the consent of the youth’s parent(s) or guardian, the results of a MAYSI-2 screen may be shared with:

- A.. Youth
- B. Mental health provider doing the assessment and any mental health or medical provider involved in the treatment or provision of care of the youth.
- C. Youth’s attorney.
- D. Probation, prosecutor and/or judge to the extent necessary to obtain assessment or treatment.

2. *Business Associates Agreement:* If no consent can be obtained, may share with the following parties **only if *Business Associates Agreement is in place*** and only to the extent necessary to get the needed assessment or service:

- A. Youth’s attorney
- B. Probation,
- C. The prosecutor,
- D. The judge

3. *By Court Order*

¹Participants in the pilot project are cautioned not to rely solely on this quick reference sheet. Questions regarding information sharing may be answered by reading and reference to the State Protocol, Addendum, and related documents.

² Exceptions:

Mandatory reporting of child abuse or neglect: This section does not prevent the disclosure of statements made by the youth in the MAYSI-2 screening process that are required to be reported for the purpose of investigating child abuse or neglect.

Emergency situation provision: If the youth scores at either the “caution” or “warning” levels on the suicidal ideation scale of the MAYSI-2, the detention facility will immediately take any emergency action necessary to protect the life of the youth.

II. MENTAL HEALTH RECORDS WITHIN THE DETENTION CENTER

Mental health records: Recorded or unrecorded information concerning the diagnosis, treatment, or prognosis of a patient receiving mental health services or disability training. Term “mental health records” does *not* include alcohol and drug abuse records which are governed by, 42 CFR Part II.

I. Access to mental health records generated through screening, assessment or treatment of a youth in detention

The youth’s parent(s) or guardian should have access to the entire mental health record, defined as the youth’s, mental health assessment and/or treatment records.

Clinic or health care provider – full access to entire mental health records, with the requirement to maintain confidentiality of the records.

The director of the detention facility should have access limited to summaries with diagnosis, prognosis, special health or safety concerns, and prescribed medications.

Detention facility staff, including care providers, teachers, counselors, and social workers should have access limited to summaries with diagnosis, prognosis, special health or safety concerns, and prescribed medications as necessary and appropriate for treatment, care and supervision.

The youth: *With parental or guardian consent*, a youth in detention should have access to his/her entire mental health record.

Youth’s attorney: *With consent of the youth and his parents or guardian*, the youth’s attorney should have access to all of the youth’s mental health record.

II. Access through the Business Associates Agreement to mental health record generated through screening, assessment or treatment of youth in detention:

In the absence of parental consent or the use of otherwise available means as provided by law, the following may have access to mental health records generated through screening, assessment or treatment of a youth in detention *only if a Business Associates Agreement is in place:*

1. *Probation officers* should have access to summaries as needed to assist in procuring services for youth pre-adjudication, as part of a diversion program, or for the purpose of disposition.
2. *The prosecutor* should have access to summaries as needed to assist in procuring services for youth pre-adjudication, as part of a diversion program, or for the purpose of disposition.
3. *The judge* should have access to summaries as needed to assist in procuring services for youth pre-adjudication, as part of a diversion program, or for the purpose of disposition.
4. *Youth’s attorney* should at least have access to summaries as needed to assist in procuring services for youth pre-adjudication; to assist in a diversion program; and for the purpose of disposition. Defense counsel should receive, at the earliest opportunity, all the information provided to probation, the prosecutor, and the judge.