

Taking Charge:

Medical Decision Making and Educational Self-Advocacy

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Presentation Overview

- HIPAA and Disclosure
- Communication Skills
- Insurance
- Medical Self-Advocacy
- Educational Self-Advocacy
- Workplace Self-Advocacy

HIPAA and Disclosures



HIPAA

HIPAA (Health Insurance Portability and Accountability Act of 1996) established national standards and an accepted set of security standards or general requirements for protecting health information. A major goal of the Privacy Rule is to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being.

Please see HealthIT.gov/Access for helpful information videos

Health Care records are stored by:

- Doctors
- Hospitals
- Pharmacies
- Laboratories
- Health Insurance Plan

Disclosures

- **Permitted Uses and Disclosures.** (1) To the Individual (unless required for access or accounting of disclosures); (2) Treatment, Payment, and Health Care Operations; (3) Opportunity to Agree or Object; (4) Incident to an otherwise permitted use and disclosure; (5) Public Interest and Benefit Activities; and (6) Limited Data Set for the purposes of research, public health or health care operations.
- Minors' parents or guardians act as personal representatives under special patient considerations. The most important thing to note is that the Privacy Rule grants parents access to their children's medical records.
 - **Exceptions:**
 - A parent agrees that the minor and health care provider may have a confidential relationship.
 - Parental consent for care is not required under law.
 - A court provides direction for care or appoints an individual to care for the minor.

Self-Advocacy

YOU CAN REQUEST YOUR MEDICAL RECORDS - it can take 30 business days to get records

- Take ownership - ask questions
- Keep records – ask for a treatment summary when you finish treatment
- Make copies for providers
- Provide clear information and your needs

Communication Skills

- Be Proactive - seek treatment if you notice symptoms are starting to get worse
- Reasonable requests - work with your therapist to get your needs met
- OCD specific: Ask about treatments used

Insurance



Insurance

- In 2008, the Mental Health Parity and Addiction Equity Act required parity between mental health and physical health services
 - Insurance companies are required to pay for mental health services on par with other services
 - BUT- not ALL plans have coverage AND almost 30% of all mental health claims are still denied, so important to know facts and fight back if needed!

Insurance: Know Your Rights!

- Under the Mental Health Parity and Addiction Equity Act you have the following rights:
 1. Treatment your physician says is necessary
 2. Your copay should not be higher than for other services (with some exceptions)
 3. Visit a psychiatrist & psychotherapist in same day- only 1 copay
 4. You should have access to an “in-network” provider
 5. Should NOT require preauthorization unless your plan requires it for other health coverage as well

Insurance: Know Your Rights!

- Under the Mental Health Parity and Addiction Equity Act you have the following rights:
 6. Number of visits or days in the hospital should be similar to other restrictions on your plan (NOT MORE)
 7. Insurance should pay even if you don't complete all the treatments
 8. Your health plan must provide you with 1) how it evaluated your need for treatment, 2) why they denied your claim & 3) the basis for this denial as it complies with federal law
 9. You have the right to appeal your insurance company's decision
 10. Out-of-Network mental health coverage should be similar to other out-of-network coverage

Insurance

- Vital to look into what services are covered and what are not!
- If you are selecting health insurance options read up on what services they cover
 - If you already have a plan, be proactive and know what options you have
 - Examples: Inpatient vs. Outpatient Services & In-Network & Out-of-Network Providers
 - If you have a provider and are changing insurance for some reason-reach out to them!
- Have a complaint about your insurance company?
 - Report your problem to the U.S. Department of Health and Human Service's Mental Health and Substance Use Disorder Insurance Help site: hhs.gov/mental-health-and-addiction-insurance-help/index.html
 - Call your State Insurance Commissioner's Office: naic.org/documents/members_membershiplist.pdf

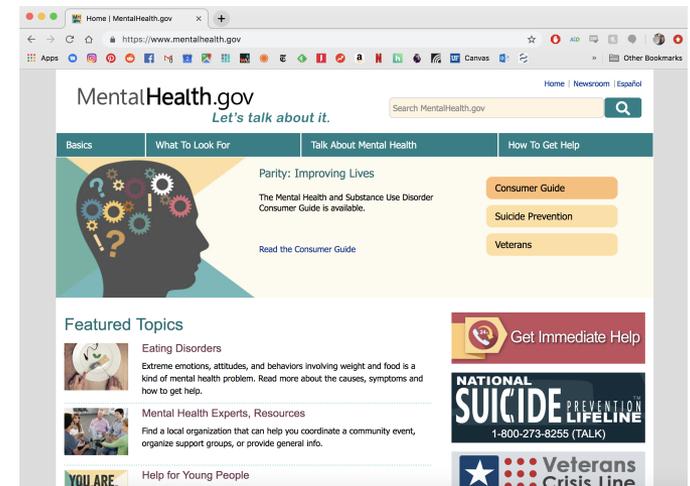
Insurance: Billing

- If you already have a provider you like, talk to them (and/or their billing department) about what is covered
- HIPPA laws around mental health services sometimes prevent even billing codes from being released
 - What are billing codes?
 - They are standardized ways your provider sends fee requests to your insurance
 - Why does this matter?
 - If your claim is denied you might need to get these codes from your provider to follow up with your insurance

Mistakes happen and your doctor wants this to work too!

Insurance: More Information

- US Federal Government Website for Mental Health Insurance Info
 - www.mentalhealth.gov
- US Department of Health Behavioral Health Treatment Locator
 - <https://findtreatment.samhsa.gov/>
- YOUR Insurance Company's Website
 - Don't be afraid to call!



Medical Self-Advocacy



Medical Self-Advocacy

- The patient comes first! Patient-centered care
 - Understanding the pressures of the healthcare system
 - Your voice can and should be heard
 - You are not burdening the providers; you are improving the healthcare experience for all parties
- Be prepared
 - Do your research on the topic
 - Be knowledgeable about your insurance
 - Know your therapy and medication options
 - Keep records

Medical Self-Advocacy

- **Effective and respectful communication**
 - Value yourself and your rights
 - Identify your needs and wants, and ask for them to be satisfied
 - Be aware of what you say, how you say it, and your non-verbal language
 - Assertive communication ≠ aggressive communication

Medical Self-Advocacy

- Understanding and combating stigma
 - Not all medical providers are well-versed in mental health, psychology and psychiatry
 - Diversity factors
 - Mental health history
- Goal: create an environment where you can trust your treatment team but also ask for what you need
 - You can even help educate your medical team

Educational Self-Advocacy



Section 504 and Title II

- Section 504 of the Rehabilitation Act of 1973 and Title II of the ADA prohibits discrimination based on disability in any program or activity operated by recipients of federal funds
- Examples of discrimination prohibited: inequitable access to educational programs and facilities, denial of a free appropriate public education for elementary and secondary students, and refusal to implement or inappropriate implementation of academic adjustments in higher education.

Educational Self-Advocacy Differences in College

Accommodations under Section 504 Only

- Cannot amend curriculum at the college level!

Common Accommodations

- Extra time for testing
- Testing in a separate quiet location (usually a university testing center)
- Note taker or access to professor's notes
- Extended Deadlines

Educational Self-Advocacy Differences in College

Submit paperwork to the Dean of Students as early as possible

- You will need recent documentation of your diagnoses from a mental health professional
- Will be helpful if your documentation contains reasoning for the specific accommodations you are asking for

Educational Self-Advocacy Differences in College

Discuss your needs with your professors personally

- You have to be registered with the Dean of Students **BEFORE** your professors can do anything for you
- You DO NOT have to disclose your diagnoses to your professors
- You DO need to make sure your professors understand what your accommodations are

When it leaving for College...PAC!

Proactive

- Communicate with professors and the disabilities office at the start of each semester

Adaptive

- Life will throw curve balls – be ready to adjust your needs accordingly and document any changes or new needs

Consistent

- Communication shouldn't be one and done – keep up a constant communication with stakeholders so they'll be more willing to help!

College Communication

Disclose

- Explain, to the limits of your comfort, what you need to succeed and why
- Start a dialogue early: you are not entitled to accommodations until you provide documentations
- Maintain communication with your instructors and disability resource officer

Understand

- Understand what your disabilities are
- Know what accommodations you are and are not entitled to
- Understand that you are entitled to confidentiality and what processes are in place should that be violated
- Research your school and state's policies

Boundaries

- Utilize appropriate boundaries when necessary – your health information is yours to keep private
- Answer only questions you feel comfortable answering
- Keep a paper trail

What NOT to do:

Dear professor,

I'm writing because I'm really concerned about my grades! I know I've missed the last ten assignments, and the past two exams. I've been struggling with my mental health this semester. I was hoping to make up this work. I know there are two weeks in the semester but I'm confident I can do it! Please let me know ASAP.

Thank you!

XXX

Sample 1

Good afternoon,

My name is _____. I will be taking your course, ABC1234 “Adaptive communication with Professors,” this semester. I am excited to begin. I have attached my accommodation letter to this email. I require extra time on exams and quizzes, extended time on assignments, and a quiet testing environment. My student ID is XXXX-XXXX. I noticed your office hours are by appointment, and I was hoping we could set up a time to meet to discuss how to apply my accommodations to your class. I have availability on XXX days, at XXX-XXX times. Please let me know if you’re available during any of those times!

Thank you!

XXX

Sample 2

Good afternoon,

My name is _____. I will be taking your course, ABC1234 “Adaptive communication with Professors,” this semester. I am excited to begin. Attached you’ll find my accommodation letter from the disability office. You’ll see that I am entitled to _____. I find that I do well in courses when _____. Please let me know if there is anything you feel that I should keep in mind in order to be successful in your course, and let me know if you have any tips or suggestions for success in your course. Please let me know if it is possible to set up a phone meeting: I have availability on XXX days, at XXX-XXX times. Please let me know if you’re available during any of those periods!

Thank you!

XXX

Developing Hierarchies with School in Mind

- Communicate with your therapist
- Where are you now and what are the steps we need to take to get you where you want to be?
 - Are you going to school everyday?
 - Are you attending all of your classes everyday?
 - How are we going to get you the work that you're missing
 - Sending assignments and class notes home
 - Taking tests at school
 - Online curriculum
 - How are we going to get you to spend more time in the classroom
 - Partial days
 - Meeting with school counselor before school
 - Preferential seating or locker
 - Allowing Breaks

What happens when things go wrong?

- Medical withdrawal
 - Most schools offer medical withdrawals
 - Different policies per school, but should include mental health
 - Research requirements at your individual school
 - May be for a class or a semester
 - Will require **ongoing support from a medical professional**
 - Some schools may offer a retroactive medical withdrawal

Resources

- Your school's Disability Resource Office
- US Department of Education:
<https://www2.ed.gov/about/offices/list/ocr/transition.html>

Workplace Self-Advocacy



Workplace Self-Advocacy

- Qualified Workers are protected under the American with Disabilities Act (ADA)
- Disability = a physical or mental impairment that substantially limits a major life activity
- Qualified worker = someone capable of performing the essential duties of the job, with or without a reasonable accommodation by the employer.
- Essential duties = tasks that are fundamental to the position. Ancillary duties don't count.

Elements of the ADA

- An employer must provide a reasonable accommodation to a qualified employee with a disability.
- The employee must request a reasonable accommodation; the employer isn't required to guess whether one is needed.
- The employer isn't required to provide the particular accommodation if another accommodation will do.
- The employer must engage in the "interactive process" with the employee
- Larger organizations often have an ADA representative who can be contacted by supervisors or the employee for help developing accommodations

Undue Hardship

The employer doesn't have to provide a reasonable accommodation if doing so would create an undue hardship.

Undue hardships are determined by the following:

- the nature and cost of the accommodation
- the financial resources of the employer (a larger organization can usually afford to do more than a smaller one)
- the nature of the business, including size, composition, and structure, and
- accommodation costs already incurred in the workplace.

Undue Hardship

Employers must keep information related to an employee's disability confidential. Medical records cannot be stored with personnel files. Employers cannot disclose that an employee has requested or is receiving an accommodation.

An employer **CAN** disclose medical information to:

- supervisors or managers, to communicate disability-related work restrictions or accommodations
- first-aid workers and first responders
- government workers who are investigating the employer's compliance with the ADA
- state workers' compensation agency employees, as required by law, and
- for insurance purposes