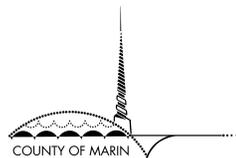# FAQ: Client Consent and HMIS Release of Information

The Marin County HMIS Client Consent for Data Collection and Release of Information (ROI) form can be found on the Marin County HMIS website (https://marin.clarityhs.help/Marin-HMIS-Privacy-and-ROI-Documents) and must be reviewed, signed and uploaded for each client who consents to have their personally identifying information entered into the Marin County HMIS System. The Clarity HMIS End User Manual has instructions for how to upload the ROI and how to enter de-identified information for clients who do not consent or for whom de-identified data is required, such as clients actively fleeing domestic violence and clients disclosing their HIV status within HMIS.

Obtaining and Uploading the ROI

1. **Am I required to upload an ROI?**
   Yes. When creating a new client profile in HMIS, all providers are required to document whether a client consents to sharing identifying information in HMIS. For clients who consent, an ROI must be uploaded via "Add a Release of Information" link in HMIS. Not only does this ROI provide legal documentation of a client's consent, having identifying information in HMIS allows providers to more easily serve clients, better obtain a picture of services clients are receiving across the continuum, and assist in the documentation of chronic homelessness.

2. **Is it okay to scan and upload the signature page only?**
   Yes. Where the ROI itself is a multi-page document uploading just the signature page of the ROI is acceptable.

3. **Is there a way to track verbal consent?**
   No. Consent must be documented through an electronic signature or an uploaded ROI. The ROI is uploaded into HMIS by clicking the "Add Release of Information" link under a client's Privacy Shield icon.

4. **How do I know whether my client has an ROI on file?**
   Locate the client's profile in the system and click on the Privacy Shield icon. Existing ROIs will be listed In the Release of Information section. If the section says, "There are no results to display," this means that the client does not have an ROI on file.

5. **Who is responsible for uploading the ROI?**
   The agency who initially enters client information into HMIS is responsible for documenting consent status in HMIS, and for collecting an electronic signature, or uploading the ROI, for clients who consent.

6. **Does every agency need to complete an ROI for every client they work with?**
   No. A client should only be asked to complete the ROI one time; the electronic record of the ROI remains valid for three years. After which, an agency will need to recertify that the client is still receiving services and complete in a <u>new</u> electronic record of the ROI for the client.

7. **What do I do if my client's profile contains identifying information (name, SSN, exact DOB), but no ROI is uploaded?**
   If no ROI is uploaded in the system for an identified client, you should contact the most recent agency serving this client to obtain a copy of their ROI, or request that the agency upload their ROI into HMIS. You should **not** attempt to de-identify the client record. Clients records should only be de-identified by the Bitfocus Helpdesk.
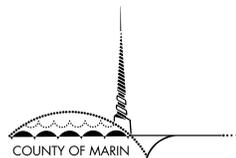
Families and ROI

8. **Does every member of a household need to complete a separate ROI?**
   Yes. Each household member must sign an individual ROI. Parents can sign for children under 18. Each ROI should be uploaded under the individual family member's Privacy Shield.

9. **Can a client sign the ROI for their spouse?**
   No. A client may only sign the ROI for themselves and for their children who are under the age of 18.

Veteran ROI

10. **Do veterans need to complete a VA ROI?**
    Veterans need to complete a VA ROI in order to be considered for certain housing programs for veterans. Ideally, the HMIS ROI and the VA ROI should be scanned and uploaded as one document under the client's Privacy Shield. If that's not possible, the HMIS ROI should be uploaded under the Privacy Shield and the VA ROI should be uploaded under the client's Files tab.

11. **What if my client already has an HMIS ROI uploaded under their Privacy Shield but now I have a signed VA ROI to add?**
    Since only one ROI can be uploaded under the Privacy Shield, the VA ROI should be uploaded under the client's Files tab. Instructions for using the Files tab can be found via the online Marin HMIS Help Center.

Non-Consenting Clients and Revoking Consent

12. **What if my client refuses to sign an HMIS ROI?**
    A. Sign and initial the bottom "For Agency Use Only" section.
    B. Maintain paper copy in secure filing system at your site.
    C. In the Clarity Shield section, [icon] click "Private" for the client record – this only works if you are creating a new client.
    D. **Do not** make program enrollments private (ONLY for TTW, Substance Use Treatment, HIV+/AIDS, or non-emergency medical care services programs.) This action is completed in the "Assigned Staff" section of an enrollment. Consult with your Agency HMIS Lead to confirm the program enrollment for the client is to be made private.
    E. **Do not** check the "Private" options for Referrals and VISPDAT Assessments.
    F. If you notice a client has multiple permissions (listing as both a "yes" and a "no" for ROI permissions), use the most current dated permission and notify your Agency Lead.

13. **When do providers need to sign the ROI?**
    A provider only needs to sign the ROI when a participant is non-consenting. The ROI for a non-consenting client is not uploaded into the system but instead kept on file at your agency.
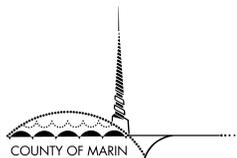
14. **What if my client wants to revoke their consent to having identifying information entered in HMIS?**
If a client has previously given permission to share information and then chooses to revoke that permission in writing, the HMIS Basic Intake will be closed to further sharing.

15. **Can I de-identify my client's profile after they've signed the Revocation of Consent form?**
No. To ensure that all client data in HMIS is correctly de-identified you must contact the Bitfocus Helpdesk when a client needs to be de-identified.

16. **What if a client tells me they don't consent but I see that they have an ROI on file?**
If a client has an ROI on file, the client is considered consenting until they complete and submit a new ROI permission.

17. **What if I see that my non-consenting client has another identified profile in the system?**
First, determine whether the identified profile has an ROI on file (look for a record in the Release of Information section under the Privacy Shield in your client's profile). If the client has a consenting ROI that's newer than your non-consenting ROI, the client is considered consenting until they submit a new ROI without permission. If your non-consenting ROI is newer, that ROI takes precedence and the client should remain de-identified. Once you've determined whether the client should be identified or de-identified in the system, you can contact the Bitfocus Helpdesk to have the two profiles merged, keeping either the identified or de-identified profile as appropriate. If the client will be de-identified in the system, make sure they have their Clarity Human Services Unique Identifier to provide to other providers in order to avoid creation of duplicate records.

De-Identified Populations

18. **What do I do if my client is actively fleeing a domestic violence (DV) situation?**
No personally identifying information may be entered for any client actively fleeing domestic violence (in compliance with the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). If you are providing services for a client who is actively fleeing domestic violence you must create a new, de-identified profile for your client, regardless of whether they have an existing profile in the system. The profile you create should only be used by your agency and no effort should be made to merge or de-duplicate this profile with any other in HMIS. To enter a de-identified profile, follow the process outlined in the User Manual.