

Understanding Legal Compliance Concerning Mental Health

Improving Mental Health Access on College
Campuses Learning Collaborative

February 28, 2023

Welcome!

Black Hawk College
Carl Sandburg College
City Colleges of Chicago
College of Lake County
Eastern Illinois College
Elgin Community College
Frontier Community College
Harold Washington College
Harper College
Harry S. Truman College
Heartland Community College
Highland Community College
ICCB
IECC
Illinois Eastern Community Colleges
Illinois State University
Illinois Valley Community College
John A. Logan College
John Wood Community College
Joliet Junior College
Kankakee Community College
Kishwaukee College
Lake Land College
Lincoln Land Community College
Lincoln Trail College

Malcolm X College
McHenry County College
Moraine Valley Community College
Morton College
National Louis University
National University of Health Services
North Park University
Northeastern Illinois University
Oakton College
Olney Central College
Prairie State College
Richland Community College
Rockford University
Sauk Valley Community College
Shawnee Community College
South Suburban College
Southeastern Illinois College
Southwestern Illinois College
Southern Illinois University
Spoon River College
Togetherall
Triton College
University of Illinois Chicago
Waubensee Community College
Western Illinois University

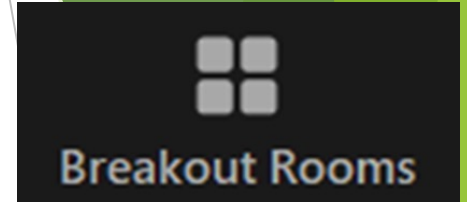


YOUNG  **INVINCIBLES**

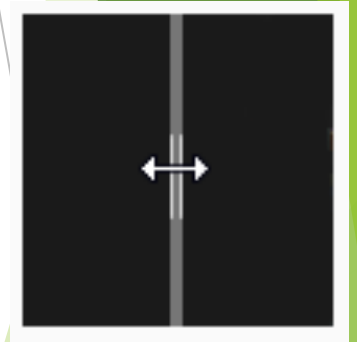
Virtual Housekeeping

- ▶ Current Zoom version is 5.13.3; version 5.7.7 or higher needed self-select breakout rooms.
- ▶ Please show your video if you can. Pets, partners, colleagues and children welcome!
- ▶ Make sure your full name is clearly identified on video.
- ▶ Please mute yourself when not talking to limit background noise.
- ▶ Use the chat function to share your name, role, and institution, ask questions, and share thoughts, tips & resources during the session.

Zoom version 5.7.7 or higher to choose



Side by Side slides & gallery icon



Gallery Grid Icon



Virtual Group Agreements

- ▶ **Be present.** Please show your video - we like to see you! Pets, partners and children welcome.
- ▶ **Be yourself.** Make sure your full name & org name is clearly identified on video.
- ▶ **Be brave.** What is said here stays here; what is learned here leaves here.
- ▶ **Move up and share.** Use the chat function to ask questions for all presenters during the session.
- ▶ **Care for your peers.** Share tips/resources in the chat as well.
- ▶ **We are recording the call.**

Zoom meeting,
audio only

Zoom meeting
with video



MHA Learning Collaborative February 28, 2023

Understanding Legal Compliance Concerning Mental Health

Welcome & Overview

8:30am

MHA Act Updates
NAMI & Young Invincibles

Understanding Legal Compliance Panel Presentations
Michelle Thorpe, Transformative Growth
Jaime Clark, Southern Illinois University

Breakout Rooms: Small Group Discussions

Reconvene and Closing

Adjourn

10:15am



YOUNG  **INVINCIBLES**

Understanding Legal Compliance Objectives

- Explore current regulations regarding mental health services for public colleges and universities.
- Identify new strategies for compliance with state and federal regulations while responding to current needs of students, and within the capacity of public colleges and universities.
- Make commitments for implementing practices to ensure compliance with mental health state and federal regulations through exploration of innovative strategies identified by Learning Collaborative institutions.

Mental Health on Campus Act

▶ The Issues

- ▶ Students are struggling with their mental health throughout the state, exacerbated by an ongoing global pandemic.
- ▶ Students who fare better with their mental health are more likely to be engaged in campus life and graduate.
- ▶ Higher education institutions are doing their best but lack the resources to fully support students.

▶ The Mental Health Early Action on Campus Act would alleviate these issues. Enacted in 2019, the Act:

- ▶ Expands peer support programs, staff training
- ▶ Encourages improved clinician-to-student ratios to ensure access to clinical services
- ▶ Creates a technical assistance center to support campuses to expand mental health supports
- ▶ Funding appropriated for remainder of FY23; Need for ongoing commitment

Legal Compliance

- ▶ **Ensure appropriate access to accommodations and medical leave for students with mental health conditions**
 - ▶ Mental health conditions can be considered disabilities, meaning state and federal disabilities protections may apply regarding reasonable accommodations and medical leave
- ▶ **Ensure student confidentiality and controlling liability**
 - ▶ Ensuring student confidentiality can help overcome stigma and fear of seeking services
- ▶ **What's in the Act?**
 - ▶ Campuses are required to develop and implement policies and practices that promote understanding of the rules of Section 504 of the federal Rehabilitation Act of 1973 and the federal Americans with Disabilities Act of 1990 to increase knowledge and understanding of student protections under the law

Funding Update for the Mental Health Early Action on Campus Act (MHEACA)

Lily Rocha, Midwest Regional Director, Young Invincibles

- ▶ Working with state legislature and agencies to determine the budget ask for FY24
- ▶ ICCB and IBHE are working on FY23 fund disbursement
 - ▶ We want to hear how your campus is thinking about using the FY23 funds
- ▶ Questions? Connect with Lily Rocha, Midwest Regional Director at Young Invincibles, at lily.rocha@younginvincibles.org and Jen McGowan-Tomke, COO at NAMI Chicago at jen@namichicago.org



Panel Presentations

- ▶ **Michelle Thorpe, Transformative Growth, Kankakee Community College** michelle@transformativegrowth.org
 - ▶ Confidentiality and Liability
 - ▶ Mitigation
 - ▶ Documentation
 - ▶ Legal Consultation

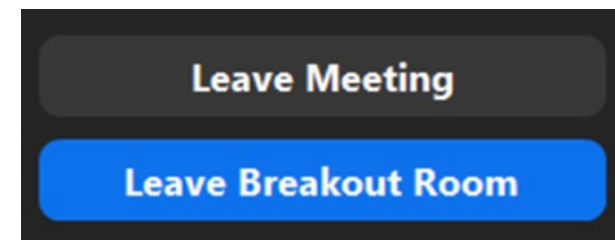
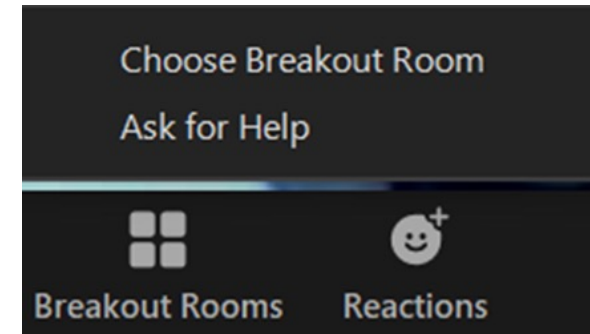
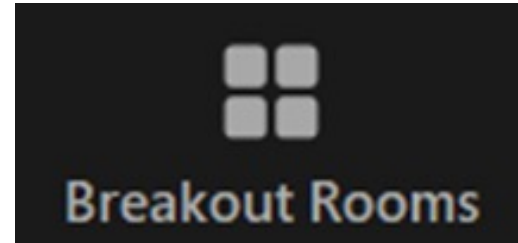
- ▶ **Jaime Clark, Ph.D., Director, Student Health Services, Southern Illinois University,** jaimec@siu.edu
 - ▶ Three Examples
 - ▶ Mandated Reporting
 - ▶ School Policies and Illinois Requirements

Breakout Room Discussions

- ▶ Room 1: Michelle Thorpe, Transformative Growth, Community Colleges
- ▶ Room 2: Jaime Clark, Southern Illinois University, Universities
- ▶ Room 3: Questions & Support Needs for the Technical Assistance Center

Breakout Room Discussions

- Monika will invite you to select the breakout room of your choice. You will then see the Breakout Room icon pop up in your Control Panel.
- Once you are in the breakout room of your choosing, you will be able to enter and leave the breakout rooms freely by clicking “Choose Breakout Room” then clicking “join” next to the room you’d like to join.
- If you click Leave Room in the right-hand corner you will have two options:



Implementing New Ideas

- ▶ What are some key ideas discussed in your breakout rooms?
- ▶ What are some suggestions for getting administrators on board with all the ideas we've discussed today?
- ▶ Are there any suggestions for legal compliance in the context of legislative and funding updates?

Providing Feedback to the MHA Collaborative



**We would really love
your feedback!**

**Use this QR code to
complete today's
event evaluation
survey or click the link
in the chat!**

MHA Learning Collaborative Google Drive

Understanding Legal Compliance

- Learning Event Slides
- Learning Event Notes
- Learning Event Recording
- Participant Contact List (email monika@lmcalpine.com to opt out)
- Registration for our next Learning Event: *Intramural Partnerships*, April 18, 2023

Upcoming MHA LC Learning Events

► ***Intramural Partnerships:*** Tuesday, April 18, 2023

Interested in serving on the panel for this events, or know someone who might be? Contact mac@lmcalpine.com & monika@lmcalpine.com

Thank you, hope to see you in April!

Connect with Us!

Lily Rocha, Young Invincibles

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Mac Grambauer, MCFG

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Monika Gaspar, MCFG

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Highlights from the Panel Presentations

Michelle Thorpe, Transformative Growth Counseling

Program Manager of Counseling Services at Kankakee College

Oversees/Supports Services at Illinois Valley Community College

Brief Outline of TGC

- Nonprofit, private practice
- Completed a lot of community development work and educational development work in over the years
- In light of the Act and TCG's experience, TCG partners with schools to help build custom programs to help the school meet compliance based off the levels they'd like to reach
- Four areas TCG assists colleges in:
 - Clinical counseling (e.g., assessing true counseling capacity, onsite crisis counseling)
 - Behavioral Intervention Team (BIT; e.g., consultation, crisis management)
 - Peer-to-peer programming (e.g., helping to develop tailored programs, train, and implement)
 - Education and Resource Training Components (e.g., staff trainings, food pantry resources)

Highlights from the Panel Presentations

Michelle Thorpe, Transformative Growth Counseling

Confidentiality and Liability: how TCG works with schools to mitigate liability across clinical, BIT, and peer-to-peer programs

- Encourage all schools, counselors, and advisors to advocate for a lawyer/law firm to provide support in legal compliance
- Using secure, confidential, and transparent communication with students (e.g., using HIPAA secure platform)
- Liability insurance (i.e., as a company/organization and for the individual counselor as well)
- Release of Information (ROI); having students sign this form that gives consent for you to communicate with other relevant individuals/departments on campus (e.g., disability accommodations, professors, advisors, etc.)
- Documentation of case management (e.g., conversations, actions); having a system with designated forms that document each interaction with a student so that all the ends are covered.
- When providing consultation (e.g., on the BIT team); remembering what you can and cannot disclose (e.g., if a student is receiving counseling services), knowing what falls into mandated reporting and the necessary documentation for those steps
- Ensuring team members are trained and feel confident on the process of mandated reporting, breaking confidentiality, documentation, etc.

Highlights from the Panel Presentations

Michelle Thorpe, Transformative Growth Counseling

Peer-to-peer programs

- **Privacy** (the ability of the patient to control personal information; group rules, expectations, etc.) **vs. confidentiality** (commitment to the physician and the patient to control information about the patient)
- **Not therapy**; peer-to-peer is a peer support service that is privacy based and cannot offer confidentiality in the way that therapy does
- Important that all involved parties (e.g., peers, supervisors, students) are aware of the difference between privacy and confidentiality in the context of these services
- TGC makes sure that those who are creating these programs and supervising peer leaders, offers supervision regularly by someone who is licensed in order to be able to identify red flags

Highlighted how integrated systems across campus (e.g., a multidisciplinary team across campus departments meets and/or involving someone like TGC to support this group) allow the school to respond quickly with the appropriate intervention

Highlights from the Panel Presentations

Jaime Clark, Southern Illinois University Carbondale

Director of Student Health Services, Liaison of HEROES program, Serves on various committees (e.g., Threat Assessment Committee), Former Director of Counseling and Psychological Services

Note: A document containing an outline of Jaime's presentation is available in the google folder. Please see this document to receive additional information.

- Highlighted the importance of reaching out for consultation (e.g., with a legal council) as needed.
- Highlighted the need to balance actions across federal law vs. state law vs. HIPAA vs. FERPA
 - SIU follows the most restrictive policies when it comes to confidentiality
- Reviewed exceptions to confidentiality for students who approaching the counseling center for services (e.g., completing a risk assessment to determine appropriate course of action)
- SIU has clinicians housed across campus in various departments (e.g., athletics); often clinicians will take in a lot of information from other entities (e.g., coaches) but cannot confirm or deny that a student is using the Counseling Center for services unless this is designated and authorized by a student via a Release of Information form
- Reviewed SIU's campus mandated policies; highlighted the importance of focusing on the student's behavior so that a plan can be developed based off the behavior they're engaging in

Highlights from the Panel Presentations

Jaime Clark, Southern Illinois University Carbondale

Note: A document containing an outline of Jaime's presentation is available in the google folder. Please see this document to receive additional information.

- Reviewed the process of Drug and Alcohol violations during which referrals are received due to a student's violation of campus policies
 - Student may be required to take drug and alcohol classes via the Wellness Center or in some cases to see CAPS
 - Throughout the process, only information about the student's compliance in the requirement is shared with other relevant campus partners, but not about any other personal information about the student
- Reviewed members for SIU's interdisciplinary team, the Violence Prevention Committee, that houses subcommittees and where referrals are submitted to express concern about a student's wellbeing and members of the committee discuss best course of action
- Reviewed SIU's Threat Assessment Team
 - Legal council is a part of the team among other campus partners
 - Everyone signs confidentiality agreements to participate on this committee
 - Responsibilities include assessing future risk and potential referrals to manage the risk and support the student

Highlights from the Panel Presentations

Jaime Clark, Southern Illinois University Carbondale

Note: A document containing an outline of Jaime's presentation is available in the google folder. Please see this document to receive additional information.

- Reviewed SIU's Involuntary Withdrawal Committee
 - Importance of identifying what can be disclosed and what cannot
 - Highlighted importance of focusing on the behaviors present to be able to determine if there is a plan that can be put in place to keep the student safe on campus, meet the student's needs, and keep the campus safe.
- Always keeping in mind what needs to remain confidential, when obtaining a Release of Information form from the student is needed to consult with relevant individuals, and when it's appropriate to break confidentiality
- Jaime presented 3 case examples in regard to confidentiality and liability

Large Group Post-Breakout Sessions Debrief

Note: There is a document in the folder that contains notes for each of the three breakout groups.

Michelle from TCG finished replying to a question “how do we manage caseload”? (presented in breakout room)

TCG has conversations with the school to determine what the caseload and workload would be. Based off a needs assessment, a certain number of clinicians would be assigned to meet the needs.

Lily from YI

Great questions from the breakout group about the technical assistance center. For example: when is it going to be up and coming? What kind of assistance will they provide? Would they have training models for peer-to-peer students? Who needs to be involved in the training per the Act? A lot of questions generally on telehealth services, etc. Will continue to make sure the state agencies are involved in this work and are in the loop.

Zoom Chat Exchanges

Curious what platforms everyone uses for documentation, etc.?

- ▶ Titanium
- ▶ Medicat
- ▶ Point and Click
- ▶ PnC for EMR, but simplicity/advocate for behavior/care reports and SharePoint for threat assessment

It would helpful to get a copy of informed consent and release forms. How are these being signed for virtual sessions, phone calls or sudden crisis?

Does anyone have a resource or an estimate for predicting the cost of liability insurance for 1 full time mental health professional?

- ▶ Liability through NASW for social workers
- ▶ HPSO can be used for LCPC, LPC

Zoom Chat Exchanges

As for the training piece.....we have mandatory faculty advisement. Does that mean all of our faculty should do the Mental Health First Aid training? Is it an 8-hour training for all?

- ▶ We started our MHFA with Success Coaches, Public Safety, mental health counselors. Two 4-hour days. Provided lunch. Next expanding to other staff and faculty.
- IVCC has contracted with TG, and we've been very happy with their services, flexibility, and adaptability to our requests/needs. Great decision on our part!

I am at Shawnee Community College, a very small, rural, southern Illinois college. I had them give me a cell phone so when students feel in crisis or depressed after hours they can text or call. Is there special laws that I need to follow doing this? We are in such a rural area next to Kentucky and Missouri, so we have students living in other states.

Do you have a training platform that you recommend for BIT training?

Additional Resources

Please see the [google folder](#) to receive additional resources gathered during this event:

- ▶ Jaime Clark's outline of her presentation as a panelist
- ▶ Break out room notes
- ▶ Resources concerning informed consent and guidelines for when confidentiality must be broken