42 CFR Part 2: Primer

• Protecting confidentiality is critical

• In substance abuse, it’s governed by
  – Regulations 42 CFR Part 2

• Outline the limited circumstances a client’s treatment information may be disclosed
  – With and without the client’s consent
42 CFR Part 2: Primer

• Two key issues
  – When is 42 CFR Part 2 applicable?
  – How to legally access information about substance abuse treatment?

• Need to answer a series of questions
42 CFR Part 2: Primer

What Programs Are Covered by Federal Confidentiality Laws?

– Involved in substance abuse education, treatment, or prevention

– Is regulated or assisted by the federal government
  (42 U.S.C. § 290dd-2; 42 C.F.R. § 2.11-2.12)
42 CFR Part 2: Primer

What Information Is Protected?

All records in a substance abuse program

• Relating to the identity, diagnosis, prognosis, or treatment of any patient

• That is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States
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How Can Protected Information Be Shared?

• Information can be shared if written consent is obtained, requires ten elements

1. Names/general designations of programs making the disclosure
2. Name of the individual or organization that will receive the disclosure
3. Name of the patient who is the subject of the disclosure
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  8. Date, event, or condition upon which the consent expires if not previously revoked

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**Note:** When used in the criminal-justice setting, expiration of the consent may be conditioned upon the completion of, or termination from, a program instead of a date.

Tom A. Buckles, PhD
Director of Education

2014 CAADE Conference
Permitted Disclosures

• Programs are permitted to disclose patient-identifying information
  – In cases of medical emergency
  – In reporting crimes that occur on program premises or against staff
  – To qualified service organizations, and
  – To outside auditors, evaluators, central registries, and researchers
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— Who have applied for, participated in, or received an interview, counseling, or any other service from a federally assisted alcohol or drug abuse program

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Note: A person who does not show up for an appointment that was arranged by a third party is NOT a client
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Records protected from unauthorized disclosure include

– Any information acquired about a client – including client’s identity, address, medical or treatment information

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– Memories and impressions of program staff are considered “records” protected by the regulations even if they are never recorded in any form
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42 CFR Part 2

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• The grounds upon which a court may authorize or order a program to make disclosures is limited
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I said that's all!

That's all folks!

That's all folks!
Business Plans

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BEHAVIORAL HEALTHCARE FOUNDATION

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Session Road Map

- Introduction
- What we will & will not do today
- Business Plan Basics
- Mission Statements
- Customer Value Propositions
- Legal & Ethics: 42 CFR

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- A little about me
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    - What will they pay?
    » Or how will you capture value for your efforts
    - How will you make and deliver the service/product
    - What resources (people, money, technology) will you need?
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1. Traditional
   - Long, unwieldy, all inclusive

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Each statement says exactly what the organization has set out to accomplish.

You know whether they are working on something that fits your own mission.

Indispensable starting point for real measurement of impact. You can’t measure impact unless you know what you’re setting out to accomplish.
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Federal Express: "Peace of mind"
Nike: "Authentic athletic performance"
Target: "Democratize design"
Mary Kay: "Enriching women's lives"
Exercise

For your organization, create either an eight word mission statement or a mantra
Our mantra?

Have fun at all times!
One-Page Business Plan

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Wrapping Up

• Hopefully a useful exercise
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Tom A. Buckles
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909-455-5290
You've Graduated!

Time to celebrate!

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Customer Value Propositions

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Customer Value Proposition

- A description of the client experience
- Customer focus, not product focus
- Most companies don’t have one
  - Don’t have a deep understanding of their customer
  - Keystone for effective product marketing actions
  - Concise, supportable statement of product’s value
  - Focused approach to understanding target user
Example #1

www.StrangeCosmos.com
Some companies have a value proposition
  - Usually just a simple list of benefit statements

The foundation for understanding how the product will realistically be valued by the target user

Includes the
  - Advantages a target user would experience
  - Tension of disadvantages and parity experiences
Customer Value Proposition

To craft a strong, customer-enticing value proposition be sure to include

1. A specific timeframe - sets the context
   - Current and through the next 6 months
   - Immediate and on-going
   - In 45 days
   - In 3 months and over the 12 months that follow

2. Business Drivers - primary business reasons to use your service
   - Employee turnover
   - Clinic/center certifications
   - Personnel certifications
   - Success rate
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To craft a strong, customer-enticing value proposition be sure to include

3. Movement - significantly better than the status quo
   - Accelerate
   - Improve
   - Maximize
   - Reduce
   - Eliminate
   - Minimize

4. Metrics - Makes the value proposition stronger and more believable
   - Time frame
   - Dollar amount
   - Percentages
Examples

Web Marketing
We help retailers increase their online sales conversion rates up to 58% and their average order size by 25%

Document Management
We help distributors reduce their order-to-cash processing costs by an average of 67.2% at the same time they increase customer satisfaction

Social Media
Marketers who use ExactTarget to communicate with their customers increase ROI up to 350%, boost conversion rates up to 88%, and grow their list up to 33% more

Tom A. Buckles, PhD
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Example #2

Tom A. Buckles, PhD
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My CVP
Having six hours of fun everyday!
Substance Abuse & Confidentiality: A 42 CFR Primer

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  – Don’t have a deep understanding of their customer
  – Keystone for effective product marketing actions
  – Concise, supportable statement of product’s value
  – Focused approach to understanding target user
Example #1

www.StrangeCosmos.com
Some companies have a value proposition
- Usually just a simple list of benefit statements

The foundation for understanding how the product will realistically be valued by the target user

Includes the
- Advantages a target user would experience
- Tension of disadvantages and parity experiences
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4. Metrics - Makes the value proposition stronger and more believable
   - Time frame
   - Dollar amount
   - Percentages
Examples

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We help retailers increase their online sales conversion rates up to 58% and their average order size by 25%

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We help distributors reduce their order-to-cash processing costs by an average of 67.2% at the same time they increase customer satisfaction

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Marketers who use ExactTarget to communicate with their customers increase ROI up to 350%, boost conversion rates up to 88%, and grow their list up to 33% more
Example #2
My CVP
Having six hours of fun everyday!
Substance Abuse & Confidentiality: A 42 CFR Primer

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42 CFR Part 2: Primer

• Protecting confidentiality is critical

• In substance abuse, it’s governed by
  – Regulations 42 CFR Part 2

• Outline the limited circumstances a client’s treatment information may be disclosed
  – With and without the client’s consent
42 CFR Part 2: Primer

• Two key issues
  – When is 42 CFR Part 2 is applicable?
  – How to legally access information about substance abuse treatment?

• Need to answer a series of questions
What Programs Are Covered by Federal Confidentiality Laws?

- Involved in substance abuse education, treatment, or prevention
- Is regulated or assisted by the federal government (42 U.S.C. § 290dd-2; 42 C.F.R. § 2.11-2.12)
What Information Is Protected?

All records in a substance abuse program

- Relating to the identity, diagnosis, prognosis, or treatment of any patient
- That is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States
How Can Protected Information Be Shared?

• Information can be shared if written consent is obtained, requires ten elements

  1. Names/general designations of programs making the disclosure
  2. Name of the individual or organization that will receive the disclosure
  3. Name of the patient who is the subject of the disclosure
  4. Specific purpose/need for the disclosure
  5. A description of how much and what kind of information will be disclosed

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How Can Protected Information Be Shared?

• Information can be shared if written consent is obtained, requires ten elements

  6. Names/general designations of programs making the disclosure
  7. Program’s ability to condition treatment, payment, enrollment, or eligibility of benefits on the patient agreeing to sign the consent, by stating
     ➢ Program may not condition these services on the patient signing the consent, OR
     ➢ Consequences for the patient refusing to sign the consent
How Can Protected Information Be Shared?

• Information can be shared if written consent is obtained, requires ten elements

1. Date, event, or condition upon which the consent expires if not previously revoked
2. The signature of the patient (and/or other authorized person)
3. The date on which the consent is assigned

Note: When used in the criminal-justice setting, expiration of the consent may be conditioned upon the completion of, or termination from, a program instead of a date.
Permitted Disclosures

• Programs are permitted to disclose patient-identifying information
  – In cases of medical emergency
  – In reporting crimes that occur on program premises or against staff
  – To qualified service organizations, and
  – To outside auditors, evaluators, central registries, and researchers
42 CFR Part 2: Primer

What does all this really mean?

Protects clients

— Who have applied for, participated in, or received an interview, counseling, or any other service from a federally assisted alcohol or drug abuse program

— Who are identified as an alcohol or drug client during an evaluation of eligibility for treatment

— Whether or not they are admitted to the program

Note: A person who does not show up for an appointment that was arranged by a third party is NOT a client

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What does all this really mean?

Protects

— Any identifying information that would categorize someone as an alcohol or drug client, either directly or indirectly

— Any information, whether oral or written, that would directly or indirectly reveal a person’s status as a current or former client
What does all this really mean?

Records protected from unauthorized disclosure include:

- Any information acquired about a client – including client’s identity, address, medical or treatment information
- All communications made by him or her to program staff – whether in writing or recorded in some other form
- Memories and impressions of program staff are considered “records” protected by the regulations even if they are never recorded in any form
What does all this really mean?

Protects

– Clients who have applied for, participated in, or received an interview, counseling or any other service from a federally assisted alcohol or drug abuse program,

– Someone who, after arrest on a criminal charge, is identified as an alcohol or drug client during an evaluation of eligibility for treatment.

– Applicants are included, whether or not they are admitted to a program
Example
One may not disclose that an individual
• is attending a program that is publicly recognized as a place where only alcohol or drug abuse services are provided

Unless
• the individual consents in accordance with regulations or
• The disclosure fits within one of the exceptions to the general rule prohibiting disclosure
42 CFR Part 2: Primer

42 CFR Part 2

• Takes priority over less restrictive State law requirements and

• Preempts any state provision that would permit or require a disclosure which is prohibited by the regulations

• If a State law prohibits disclosure that the federal law would permit, the more restrictive State law provision controls
42 CFR Part 2: Primer

Subpoenas & Warrants

• The grounds upon which a court may authorize or order a program to make disclosures is limited

• Strict guidelines on the scope of such disclosures

• Prohibited from disclosing information concerning current or former clients in response to subpoenas

• A subpoena by itself is not legally sufficient to authorize or compel a program to testify or turn over any client records
Responses to Subpoenas

A program may not turnover any information in response to a subpoena UNLESS either:

1. The client about whom information is sought signs a proper release (consent) form authorizing the program to release the requested information

   OR

2. A court orders the program to release information or records after giving the program and the client an opportunity to be heard and after making a good cause determination under the confidentiality law and regulations
Responses to Subpoenas

If a program is served with a subpoena to produce documents, three general principles to follow:

1. No information should be released in response to a subpoena, even if it is signed by a judge, until and unless a court issues an authorizing order under 42 CFR Part 2.

2. A subpoena should not be ignored. Failure to respond in some way may be grounds for a finding of contempt of court and can result in a fine or even a term in jail.

3. The person (or program) to whom the subpoena is addressed does not automatically have to testify or turn over the requested materials. The person (or program) has the right to appear and object to the subpoena.
Search & Arrest Warrants

• If a police officer arrives demanding to see the records of a client, to arrest the client, or to question program staff about a client, there’s obviously a problem

• Under 42 CFR Part 2 neither a search warrant nor an arrest warrant constitutes the type of court order that authorizes a program to disclose client-identifying information
Search & Arrest Warrants

1. Produce a copy of 42 CFR Part 2 and explain that the program cannot cooperate with a search or arrest warrant without an appropriate court order, one that has been issued in accordance with the regulations.

2. Try to get time to notify an attorney to attempt resolve the situation with the officer so that neither the client’s rights nor the program’s position is compromised.

3. Ask to contact the prosecuting attorney or commanding officer so that the program can repeat its arguments, stressing that an authorizing court order is required before the program may make any disclosure.

4. If the officer insists on entry, do not resist. Refusing to obey the orders of a law enforcement officer may constitute a crime, even though the officer’s orders may later be shown to be erroneous or illegal. 42 CFR Part 2 does NOT require programs to forcibly resist an officer who insists on entry.
Arrest Warrants

• There is a special exception for crimes on program premises or against personnel which authorizes the program to produce the individual, thereby minimizing disclosure of the identities of other clients.

• If an officer presents with an arrest warrant for the above situation, the client can be turned over to the officer.
Questions?
Hey! What are you looking at?

I said that's all!

That's all folks!
Business Plans

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Session Road Map

- Introduction
- What we will & will not do today
- Business Plan Basics
- Mission Statements
- Customer Value Propositions
- Legal & Ethics: 42 CFR
Introduction

• A little about me

• A little about you
BUSINESS PLAN BASICS

Why Write a Business Plan?

Plans are Worthless
Planning is Everything

Dwight D. Eisenhower
Supreme Commander, Allied Forces Europe
34th President of the United States
**Planning Debate**

**News:** Some academics doubt the conventional wisdom that formal written business plans do much to help start-ups succeed.

**Background:** Some recent studies suggest there’s little correlation between having a business plan and profitability. Advocates of business plans counter that the plans give entrepreneurs focus and prevent costly mistakes.

**Bottom Line:** There are questions whether entrepreneurs may be spending months fine-tuning 50-page business plans, when they might be better off just sketching out basic financial projections and launching the business.
BUSINESS PLAN BASICS

Why Write a Business Plan?

- Because I have to...
  - Needed for financing
  - Strategic partnering
  - To explain business to customers/suppliers
  - To attract key people
BUSINESS PLAN BASICS

Why Write a Business Plan?

- Need to Understand Your Business

  • The Business Plan is a result of a PLANNING PROCESS
  • People don’t Plan to Fail; they Fail to Plan
    - Who are your customers/users?
    - Will the buy or use your service or product?
    - What will they pay?
      » Or how will you capture value for your efforts
    - How will you make and deliver the service/product
    - What resources (people, money, technology) will you need?

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It is a Really Simple Concept (whether you are doing a Web 2.0 company, a biotech or financial services company, or a non-profit social developmental company):

• Create Value
• Capture/Harvest the Value Created
BUSINESS PLAN BASICS

• What Should Be In A Business Plan?

- The Plan is a SELLING DOCUMENT
  - Don't lose sight of the vision
  - The excitement must come through
  - The Plan should project your image

- BUT: The Plan Must Be Defensible
BUSINESS PLAN BASICS

- The Business Plan - A SUPPORTED VISION

Mission/Vision Statement 1 paragraph
Elevator Pitch 30 seconds
Executive Summary 2-5 pages
PowerPoint Presentation 10 slides/20 minutes
Full Business Plan 20-30 pages

Financial Projections
Technology
Intellectual Property
Market Analysis
Competitive Analysis
Sales and Distribution
Team

Detailed Support/Foundation

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Ever worked on one?
Definitely A Challenge

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Mission Statements

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Different Schools of Thought

1. Traditional
   - Long, unwieldy, all inclusive

2. Short and to the point
   - Less than 10 words

3. Mantra, not Mission statement
   - Three or four words
**APU**
Azusa Pacific University is an evangelical Christian community of disciples and scholars who seek to advance the work of God in the world through academic excellence in liberal arts and professional programs of higher education that encourage students to develop a Christian perspective of truth and life.

**Wendy's**
The mission of Wendy's is to deliver superior quality products and services for our customers and communities through leadership, innovation, and partnerships.
Four basic parts:
1. A verb
2. A target population,
3. An outcome that implies something to measure, and
4. In eight words or less
   • Need to include concrete results
   • It is about the **what**, not the **how**
     - “Creating awareness,” “empowering” somebody, “changing attitudes”—those aren’t real impacts
Short, to the Point

- Rehabilitate coral reefs in the Western Pacific
- Prevent maternal-child transmission of HIV in Africa
- Get Zambian farmers out of poverty

Each statement says exactly what the organization has set out to accomplish.

You know whether they are working on something that fits your own mission.

Indispensable starting point for real measurement of impact. You can’t measure impact unless you know what you’re setting out to accomplish.
Wendy's

The mission of Wendy's is to deliver superior quality products and services for our customers and communities through leadership, innovation, and partnerships.

When you buy a hamburger at Wendy's, do you think about participating in "leadership, innovation, and partnerships" when ordering a hamburger there?

A mantra is three or four words long. Tops. Its purpose is to help employees truly understand why the organization exists.

Wendy's: Healthy Fast Food
Mantra, not Mission Statement

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Azusa Pacific University is an evangelical Christian community of disciples and scholars who seek to advance the work of God in the world through academic excellence in liberal arts and professional programs of higher education that encourage students to develop a Christian perspective of truth and life.

APU: God First

Federal Express: “Peace of mind”
Nike: “Authentic athletic performance”
Target: “Democratize design”
Mary Kay “Enriching women’s lives”
For your organization, create either an eight word mission statement or a mantra
Our mantra? Have fun at all times!
One-Page Business Plan

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Ever worked on one?

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Definitely A Challenge

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What We Have Done Today

- Business plan basics
- Mission/Mantra
- Value Propositions
- Ready to try it out
One-Page Business Plan Handout

Five Parts:
1. Vision (Replace w/Value Proposition)
2. Mission
3. Objectives
4. Strategies
5. Plans (Replace with Tactics)
Exercise

For your organization

1. Replace Vision with your Value Proposition
2. Insert your Mantra/Mission
3. List three major Objectives
4. List one Strategy per Objective
5. Replace Tactic for Plan and provide one Tactic per Objective

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Wrapping Up

• Hopefully a useful exercise
• Contact information

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You’ve Graduated!

Time to celebrate!

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Customer Value Propositions

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Customer Value Proposition

- A description of the client experience
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