



Policy: Notice of Privacy Policy and Management and Protection of Personal Health Information (Health Insurance Portability and Accountability Act, HIPAA)

ChildNet Number: CN 009.034

Original Approved Date: June 2, 2003

Policy Revised Date(s): August 1, 2007, December 7, 2009, June 16, 2010, November 17, 2010, May 14, 2014

Policy Sunset Date:

COA Standard(s): RPM 1, 6.01, 6.04, 7.03

Statement of Policy:

This policy establishes a uniform process for disseminating privacy standards required by the Health Insurance Portability and Accountability Act (HIPAA) within ChildNet.

Definitions:

Health Insurance Portability and Accountability Act of 1996 (HIPAA): Establishes in law the basic principle that an individual's medical records belong to that individual and, with certain exceptions, cannot be used or disclosed without the explicit permission of that individual. The Act gives individuals the right to an explanation of their privacy rights by health care providers, the right to see their medical records, the right to request corrections to these records, the right to control the release of information from their records, and the right to documented explanations of disclosures by entities that may have access to this information.

Protected Health Information (PHI): Information which can be used to identify an individual, and which relates to the past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual.

Disclosure: The release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

Board Chair's Signature:

Date:

5/22/14



Procedure: Notice of Privacy Policy and Management and Protection of Personal Health Information (Health Insurance Portability and Accountability Act, HIPAA)

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Procedure Revised Date(s): August 1, 2007, December 7, 2009, June 16, 2010, November 17, 2010, May 14, 2014, February 14, 2024, March 13, 2024

Procedure Sunset Date:

COA Standard(s): RPM 1, 6.01, 6.04, 7.03

Statement of Procedure:

This operating procedure applies to all ChildNet employees and designees of ChildNet.

- A. This operating procedure is developed in accordance with the Privacy Standards for Individually Identifiable Health Information in federal regulations promulgated pursuant to a HIPAA requirement to maintain the process, in writing, that designates to whom, how, and when the HIPAA Notice of Privacy Rights Brochure will be distributed.
- B. HIPAA requires ChildNet to ensure the privacy and confidentiality of PHI of clients and caregivers. ChildNet employees and volunteers shall not permit the unauthorized disclosure of PHI except as permitted or required by law. Each ChildNet employee, designee and volunteer shall be furnished a paper or electronic copy of this operating procedure and is expected to read and comply with the policy. Each employee, designee and volunteer shall sign the Notice of Privacy Policy, a copy of which shall be maintained in the employee or volunteer's personnel file. ChildNet's administrative staff and site directors are responsible for ensuring that all staff, designees and volunteers are provided a copy of the HIPAA Notice of Privacy Rights Policy. All clients, and parents and/or guardians of clients are provided a copy of the HIPAA Notice of Privacy Rights brochure. The Dependency Case Managers are responsible for providing the parent(s) or guardian(s) the brochure and to have them sign a receipt that they have received and reviewed the brochure.
 1. A Notice of Privacy Policy Statement shall be maintained and visible at all times in areas that are accessible to all employees.
 2. The HIPAA Notice of Privacy Rights brochure shall be visibly posted at each ChildNet facility, program, and service center, and in waiting rooms and client interviewing rooms at facilities serving clients.



3. All clients, parents or guardians of the client, caregivers, and foster and adoptive parents receive the HIPAA Notice of Privacy Rights brochure at the time of initial contact with ChildNet.
 - a. ChildNet Staff delivers the HIPAA Notice of Privacy Rights brochure to each parent in every active case when the parent's location is known and asks that each parent sign the HIPAA Brochure Receipt form.
 - b. If parents are not able to be located, ChildNet staff gives the HIPAA Notice of Privacy Rights brochure to the child, if age 12 years or older, and asks the child to sign the Child HIPAA brochure Receipt form, which is filed with the court.
 - c. If parental rights have been terminated by order of the court, ChildNet staff gives the HIPAA Notice of Privacy Rights brochure to the child, if age 12 years or older, and asks the child to sign the Child HIPAA Brochure Receipt form which is filed with the court.
 - d. ChildNet staff delivers the HIPAA Notice of Privacy Rights Brochure to all young adults age 18 or older who are continuing to receive services, and obtains a signed HIPAA Brochure Receipt form, maintaining the original signed form in the client file.
 - e. ChildNet staff delivers the HIPAA Notice of Privacy Rights brochure to all relative and non-relative caregivers (not licensed), including court appointed legal guardians, and requests that each caregiver sign the HIPAA Brochure Receipt form.
 - f. ChildNet staff delivers the HIPAA Notice of Privacy Rights brochure and obtains the signed HIPAA Brochure Receipt form from the parents and non-licensed caregivers for each new case assigned within 45 days of admission into the ChildNet system of care.
 - g. The Management and Protection of Personal Health Information Policy including the HIPAA Notice of Privacy Rights brochure is maintained in the Child Resource Record (CRR).
 - h. ChildNet staff ensures that the original signed HIPAA Brochure Receipt form is placed in the Medical Section of the client file.
4. The requirement to ensure that each client, parent, guardian, caregiver, and foster and adoptive parent will receive a copy of the Management and Protection of Health Information Policy, including the HIPAA Notice of Privacy Rights brochure, is included in each provider's contract as a compliance requirement.



- a. ChildNet staff sends the Management and Protection of Health Information Policy including the HIPAA Notice of Privacy Rights brochure and HIPAA Brochure Receipt forms to each provider of foster and adoptive homes, and instructs the providers to ensure that each foster and/or adoptive parent receives the HIPAA Notice of Privacy Rights brochure, signs the HIPAA Brochure Receipt forms, and places the original signed form in the licensing or adoption file that is submitted to the corresponding ChildNet Specialist.
 - b. ChildNet staff instructs foster and adoptive home providers to ensure that the parents in each prospective home receive the HIPAA Notice of Privacy Rights brochure, has each parent sign the HIPAA Brochure Receipt form, and places a copy in the licensing or adoption file that is submitted to the corresponding ChildNet Specialist.
5. All requests to change or correct PHI are submitted to the ChildNet HIPAA Client Resource Coordinator in writing using the HIPAA Information Request form.
 6. All complaints regarding ChildNet's use of PHI are submitted to the ChildNet HIPAA Client Resource Coordinator in writing using the HIPAA Complaint form. Additionally, see related policy CN 004.020 Grievances and Appeals policy which includes the formal process to file a grievance, and timely resolution.
 7. Parents (legal Guardians of the children) may request a listing of instances when ChildNet has disclosed PHI. This list does not include the following disclosures:
 - a. Disclosures for which the client has already consented.
 - b. Disclosures to carry out treatment, payment, or health care operations.
 - c. Disclosures made for national security or intelligence purposes.
 - d. Disclosures to correctional institutions
 - e. Disclosures to Law Enforcement
 - f. Disclosures made before April 14, 2003
 8. Clients submit the request in writing using the HIPAA Information Request form to the HIPAA Client Resource Coordinator who responds within 60 days. The list will include the date of disclosure, to whom the PHI was disclosed, a description of the information disclosed, and the reason for disclosure. This accounting will cover the six years prior to the date in which the accounting was requested. Information is provided to the client free of charge. However, if more than one request is made during a rolling 12-month period of time, the charge will be \$25.00 for each additional request.
 9. ChildNet staff obtains written authorization from each client to release PHI that goes beyond treatment, payment, or health care operations, not specifically listed as exceptions by law as listed below, using the Release of PHI Authorization form.



10. The law permits ChildNet to use or disclose an individual's PHI *without written authorization* in the following circumstances:

- a. When a law requires disclosure: ChildNet may disclose PHI when a law requires that the company report information about suspected abuse, neglect, or domestic violence, or in response to a court order or to a law enforcement official. ChildNet must also disclose PHI to authorities who monitor its compliance with these privacy requirements.
- b. For public health activities: ChildNet may disclose PHI when it is required to collect information about diseases or injuries or to report vital statistics to a public health authority.
- c. For health oversight activities: ChildNet may disclose PHI for health oversight activities such as audits, inspections, civil or criminal investigations or actions.
- d. Relating to decedents: ChildNet may disclose PHI relating to an individual's death to coroners, medical examiners, or funeral directors.
- e. For organ, eye or tissue donations: ChildNet may disclose PHI to organ procurement organizations relating to organ, eye, or tissue donations or transplants.
- f. To avert threat to health or safety: In order to avoid a serious threat to health or safety, ChildNet may disclose PHI as necessary to law enforcement or other persons who can reasonably prevent or lessen the threat of harm.
- g. For specialized government functions: ChildNet may disclose PHI of military personnel and veterans in certain situations, to correctional facilities in certain situations, to government programs relating to eligibility and enrollment, and for national security reasons, such as protection of the President.
- h. For workers' compensation: ChildNet may disclose PHI to comply with workers' compensation laws.

C. Training Requirements:

1. Each employee, designee, volunteer, and Board Member shall attend an initial HIPAA training and annually thereafter to ensure knowledge of and compliance with HIPAA privacy and related compliance requirements. Proof of attendance shall be maintained in the personnel file.



2. New employees and volunteers will receive HIPAA privacy and compliance training within 30 calendar days and receive a copy of the Notice of Privacy Policy. Board members will receive such training within 30 days of Board appointment.
3. Training is mandatory and will be conducted by designated ChildNet staff.

D. Accessibility of Material:

1. The Notice of Privacy Policy and the Management and Protection of Personal Health Information Policy are available electronically on the ChildNet and Department of Children and Families websites.
2. Notice of Privacy Policy and the Management and Protection of Personal Health Information Policy will also be made available in alternative formats upon request.

E. The ChildNet HIPAA Privacy Officer, or designee, will collect and analyze information to determine compliance with this procedure.

President's Signature: _____

Date: _____

04-02-24