
PROTECTED HEALTH INFORMATION

All medical, dental, and behavioral health information about a child must be kept confidential in accordance with Section 372 of the Social Services Law. Confidentiality applies to all the child's health information, verbal, written, or electronic. Agency staff must share health information about a child with others who need it to provide assessment, treatment, services, and care and supervision. This includes health care providers, health care professionals, caregivers. This policy is designed to ensure Green Chimneys' full compliance with all federal and state rules and regulations regarding the confidentiality of protected health information (PHI).

Green Chimneys policies and procedures are consistent with applicable State and Federal laws and regulations.

- All written and non-written information about a youth is to be held confidential other than the permitted disclosures outlined.
- No information, written or otherwise may be released without a written consent from the guardian (or youth over 18) except for limited cases outlined below
- Disclosures may be made in the cases of treatment, healthcare operations, and for payment under HIPAA guidelines.
- Information may be released without consent to the Office of Children and Families (OCFS), Child Protective Services (CPS), LDSS (Local Department of Social Services), State Education Department (SED), The New York State Justice Center, or other legal authorities. A record of such disclosures will maintained in the record.
- Disclosures can also be made under the law when the persons may pose a risk to themselves or to others.

Authorized staff should share health information on children with others who need it to provide assessment, treatment, services, and care and supervision. This includes health care providers, health professionals, and caregivers.

Exceptions to sharing of information include:

- Information related to reproductive health services, family planning, and STD testing and treatment as well as prenatal care and labor and delivery services. (Note: any youth with capacity to consent has the right to confidentiality regarding issues of family planning and reproduction, and sexually transmitted diseases. This information may not be shared with caseworkers, health staff, parent or guardians without the express consent of the child with capacity to consent. The youth's team is to always encourage the youth to consent to share information with an adult who is responsible for his or her care.

- Information related to HIV/AIDS testing and treatment when the youth has the capacity to consent.
- Information related to chemical dependency (substance use disorder or SUD services). Service providers will require written consent from the youth before releasing any such information.

Transfer or Discharge

When a child moves from one placement to another, the youth's comprehensive health history must be transferred to the new placement.

Upon discharge from care, a copy of the child's health records must be given to the discharge resource with the exceptions listed above.

When a youth (or parent) makes a written request for the opportunity to inspect information related to his or her treatment the agency must provide this opportunity within 10 days. For youth who are under 18, a parents should be notified.

At Green Chimneys, staff are responsible for maintaining the confidentiality of health records. Access to health records is limited to the professional staff providing care to the youth. Certain other staff may be informed of a youth's health problems if that information is necessary for the staff to adequately perform their responsibility to provide for the health and safety of that youth.

Health records are secured and access is restricted.

Regarding the release of records:

- Copies of relevant portions of the health record may be released to health care providers (e.g., PCP, specialist provider) as needed in order to evaluate and treat the youth.
- Confidential information related to HIV infection may only be released following procedures defined in New York State Public Health Law Article 27-F and requires the written consent of the youth in most circumstances.