

Missouri Department of Social Services (DSS)
Missouri Division of Family Services (DFS)
Notice of Privacy Practices Regarding Protected Health Information
Regarding Foster Children/Youth and Their Families

THIS NOTICE DESCRIBES HOW PROTECTED HEALTH INFORMATION (PHI) REGARDING CHILDREN AND FAMILIES MAY BE USED AND DISCLOSED BY OUR AGENCY AND LICENSED PROVIDERS. FEDERAL LAW REQUIRES THAT ALL LICENSED PROVIDERS BE INFORMED OF THE FOLLOWING REQUIREMENTS. PLEASE REVIEW CAREFULLY.

The Health Insurance Portability and Accountability Act of 1996 (**HIPAA**), Public Law 104-191, resulted in the establishment of the HIPAA Privacy Rule in December of 2000. The HIPAA Privacy Rule is a federal rule designed to protect individuals' medical records and other personal health information.

Protected Health Information (PHI) is defined as any information relating to past, present or future physical or mental health of an individual; the provision of health care to the individual; or the payment for health care. Foster/relative/kinship providers frequently receive PHI on children in care and their respective family members.

Information Handling

Federal and state laws require that PHI be protected. Licensed providers such as foster parents, relative providers, kinship providers, and our agency's contracted respite providers are allowed to use this information and share it with others, **if the protected health information is being used for the foster youth's treatment, the payment of his/her medical expenses, or for health care operations.**

Examples of this include:

- Providing information to doctors to determine the foster child's continued Medicaid/MC+ eligibility as part of health care operations; or
- Providing information to primary insurance carriers regarding payment issues; or
- Providing medical records to health professionals for the foster youth's treatment.

Minimum Necessary Requirements for Sharing PHI

The agency and its licensed providers must at all times make a reasonable effort to limit PHI to the minimum necessary to carry out the intended purpose of use, disclosure, or request. For example:

- A pharmacy calls to verify a foster child's Medicaid number. The purpose is for providing a service to the child and for billing the state for those services. Giving the provider the child's Medicaid number and current eligibility gives the minimum necessary information and is appropriate. It would not be appropriate to share any other PHI. For example, it would not be appropriate to share with the pharmacy that the child's mother has a specific mental health diagnosis.
- The school is requesting immunization information regarding your nephew, who is placed in your home. It is appropriate to share specific information regarding immunizations with the school; however, it would be not be appropriate to share any other health information regarding your brother or your nephew. The school's request does not indicate a need for any additional information.

Rights of the Foster Youth and their Families

Foster youth and their families have certain rights to their protected health information. These protections and rights will become effective April 14, 2003. Electronic copies of this information are available at <http://www.dss.mo.gov>. Please contact your local Children's Service Worker for any further information.

These protections and rights will become effective April 14, 2003. If your foster youth or you have questions or complaints, contact the DSS Privacy Officer, Division of Legal Services, P.O. Box 1527, Jefferson City, MO 65102.

If you have a complaint you may also contact the United States Department of Health and Human Services, 200 Independence Avenue, S.W., Washington D.C. 20201, Telephone 1-877-696-6775.

You may also contact the United States Office of Civil Rights at 1-866-627-7748 or 1-886-788-4989 TTY.

The health care services of foster children/youth or their families will not be affected by any complaint made to DSS, Department of Health and Human Services, or the U.S. Office of Civil Rights.