



MISSOURI DEPARTMENT OF SOCIAL SERVICES
CHILDREN'S DIVISION

Resource Provider Health Insurance Portability and Accountability Information

This notice describes how protected Health Information (PHI) regarding children and families may be used and disclosed by our agency and license resource 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 104-91, resulted in the establishment of the HIPAA Privacy Rule in December of 2000. The HIPAA Privacy Rule is a federal rule designed to protect individual's 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. Resource providers frequently receive PHI on foster youth in care and their respective family members.

Information Handling

Federal and state laws require that PHI be protected. Licensed resource providers and our agency's contract providers are allowed to use this information and share it with others, if the protected health information is being used of 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 youth's continued MO HealthNet 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. The "Minimum Necessary" standard should be applied to all situations when discussing a child's or parent's protected health information, including family support team meetings.

Foster parents have a responsibility to safeguard the protected health information of the children and families they work with. For that reason, all conversations about a specific child's or parent's health information should be strictly confined to business needs. For example, there should be no discussion of such information between foster parents or anyone outside the agency.

For example:

- A pharmacy calls to verify a foster youth's MO HealthNet number. The purpose is for providing a service to the child and for billing the state for those services. Giving the pharmacy the foster youth's MO HealthNet 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 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 became effective April 14, 2003.

If the foster youth placed in your home or you have questions or complaints, contact the Department of Social Services 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 youth or their families will not be affected by any complaint made to Department of Social Services, Department of Health and Human Services, or the U.S. Office of Civil Rights.

Additional Information regarding HIPAA policy addressed in Children's Division policy is located in the Child Welfare Manual [Section 5 Chapter 2 Subsection 7](#).

My signature indicates that I have read and understand this notice:

Resource Parent Signature

Date

Resource Parent Signature

Date