

ECI Procedural Safeguards for Confidentiality Policies, Procedures and Practices

Self-Study Package

And

Acknowledgement of Training in ECI Procedural Safeguards for Confidentiality Policy  
and Procedures

Attached

Independent Providers(s) and/or Provider Firm(s) are to complete this Acknowledgement  
of Training form and SUBMIT with their bid documents.

ECI PROCEDURAL SAFEGUARDS FOR CONFIDENTIALITY POLICY,  
PROCEDURES AND PRACTICES

A Self Study Package Designed for ECI Staff and Contractors

ACKNOWLEDGEMENT OF TRAINING IN ECI PROCEDURAL SAFEGUARDS  
FOR CONFIDENTIALITY POLICY AND PROCEUDRES

I certify that I have completed the self study package on ECI Procedural Safeguards for Confidentiality.

\_\_\_\_\_ I understand the requirements of the ECI policies and procedures about Procedural Safeguards for Confidentiality.

\_\_\_\_\_ I understand how these policies apply to me and to my work with ECI children in the ECI program of MHMRA of Harris County.

\_\_\_\_\_ I recognize that I may not release personally identifiable information without proper consent. I agree to abide by these policies and procedures.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Section I - Requirements: Providers who work directly with children and families must complete training on Procedural Safeguards for Confidentiality on an annual basis.**

By completing the following packet of information and successfully passing the test, the requirement for training is achieved.

**Section II - Child and Parent Rights as they relate to Confidentiality**

The child's and parent's rights begin immediately when the ECI program receives the referral or is otherwise contacted about the child or family. The parent has the right to the following related to Confidentiality

- expect confidentiality of personally identifiable information
- review and inspect the child's records
- request that information in the child's record be corrected if the information is incorrect or violates the child's or family privacy
- report concerns to DARS ECI

Personally Identifiable Information includes:

The name of the child;

The name of the child's parent, or other family member;

The address of the child, parent or other family member;

A personal identifier, such as the child's or parent's social security number; or

A list of personal characteristics or other information that would make it possible to identify or trace the child, the parent or other family member, with reasonable certainty.

All personally identifiable information is stored in the chart rooms at the ECI buildings or in locking cabinets at the program to protect privacy. Information is disclosed to third parties only with the informed written consent from the parent (see specific requirements below). When staff members check out charts to take to home visits they must ensure that the chart remains stored in a secure place that ensures privacy. An example may be the trunk of a locked vehicle.

**Centers where children's records are maintained**

<u>Center</u>	<u>Address</u>	<u>Phone</u>
Airline	6032 Airline	713-970-4900
Hillcroft	6125 Hillcroft	713-970-4800

**Section III - Review of how Confidentiality must be maintained for child and family records**

ECI must ensure the confidentiality of personally identifiable information (paper or electronic) concerning each child and family. ECI may presume that the parent has authority to inspect and review records relating to the child unless advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

ECI must ensure that FERPA (Family Educational Rights and Privacy Act) and IDEA (Individuals with Disabilities Education Act) requirements for confidentiality are met. The program works with MHMRA legal counsel and information technology personnel to ensure that security controls are in place to protect any information that is transmitted electronically.

#### Parent's Rights Related to Child and Family Records

The parent has the right to receive a description of what personally identifiable information is maintained, the types of information sought, the methods used in gathering information (including the sources from whom information is gathered), and how the information will be used;

receive a description of how personally identifiable information is stored, disclosed to third parties, maintained, and destroyed;

inspect and review of the child's records (paper or electronic);

receive a response from the program to reasonable requests for explanations and interpretations of the records;

receive, upon request, copies of the records containing the child's information;

have a representative of the parent inspect and review the records; and

request copies of the program's policies and procedures on confidentiality.

If any record includes information on more than one child, the parent has the right to inspect and review only information relating to his or her child.

#### ECI's Responsibility to Child and Family Records

ECI must protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages;

upon request, provide the parent a list of the types and locations of service records collected, maintained, or used by the agency;

maintain in the child's record a list of parties obtaining access to records collected, maintained, or used. The name of the party, the date access was given, and the purpose for which the party is authorized to use the record must be included. This list must be provided to the parent upon request;

ECI must maintain confidentiality of the HIV status of the child or any family member in a manner that is consistent with all state and federal statutes, regulations, and rules.

#### Disputed Records

A parent who believes that information in the child's record is inaccurate, misleading, or violates the privacy or other rights of the child may request that the record be amended. ECI will follow the requirements for disputed records if a request is submitted.

#### Changes to Records

Any changes to any information documented in a child's record must be lined through with a single line, initialed, and dated by the individual making the change. Using

correction fluid or any other method to make corrections in a child's record is not allowable.

#### Release of Information with Written Parental Consent

ECI may release a copy of the child's record, to a designated party with informed written parental consent. The program must maintain documentation in each child's record of all disclosures of confidential information made as a result of parental consent to release information.

Unless authorized to do so under FERPA, Section 99.31, informed written parental consent must be obtained before personally identifiable information is disclosed to anyone other than officials, employees, or subcontractors of ECI-contracted agencies and public school child-find personnel; or used for any purpose other than meeting a requirement under this policy. If a parent refuses to provide consent the procedures developed by ECI must be followed.

#### Information without Written Consent

The contractor may share personally identifiable information without parental consent in some circumstances. The ECI Service Coordinator is responsible for following policy and procedures in these circumstances. This may include:

- compliance with a judicial order;
- health or safety emergencies such as child protective situations;
- and other reasons as allowed by law.

#### Release of Information to School Districts to Transition to School

Informed parental consent must be obtained before confidential ECI records are released to a school when a child is making the transition from an ECI program to a public school setting. If the parent refuses consent, confidential ECI records must not be intermingled with public school records, including records relating to special education. This consent is not required for personally identifiable information that must be shared with public school child-find personnel before each child's second birthday.

#### Exchange of Information with Other Agencies

Exchange of information with entities outside ECI occurs only for legitimate reasons. The parent must provide prior written consent to release records. If you are requested to release or disclose information to another entity you must ensure that a ECI of MHMRA of Harris County Consent for Release of Information form has been completed and signed by the parent and is current.

#### Record Retention

Unless a longer period is required by state or federal law, ECI must retain records for five years after the child exits early intervention services. The parent is provided written notice during the pre-enrollment and exit processes, that the child's records are destroyed five years after the child exits.

### Section III – Procedural Safeguards for Written Notice and Informed Consent

Each ECI Contractor is responsible for knowing the policy and procedures related to procedural safeguards for prior written notice to parents and informed consent. The Service Coordinator for the child is responsible for ensuring the correct paperwork is completed as needed, but each team member bears responsibility for ensuring we are protecting the child and family’s rights as they relate to ECI services.

#### Written Notice

The family must be given adequate notice to participate in assessments, evaluations and the planning and development of early intervention services.

Prior written notice must be provided before the following events:

Event	Form to be used
Evaluating the child Scheduling IFSP meetings	Notice of Initial IFSP meeting & Consent for Initial Screenings & Evaluations REC-MR (ECI):003 for initial assessment and initial IFSP meeting.  Notice of Screening, Evaluation, 6 month review, Annual or Change IFSP meeting REC-MR(ECI):005 – for all other assessments and IFSP meetings
Initiating or changing the eligibility status of the child	Notice of Screening, Evaluation, 6 month review, Annual or Change IFSP meeting REC-MR(ECI):005  Notice of Discharge REC-MR(ECI):006 – if child is no longer eligible for ECI
Initiating or changing early intervention services	Notice of Screening, Evaluation, 6 month review, Annual or Change IFSP meeting REC-MR(ECI):005
Proposing to discontinue early intervention services	Notice for Refusing Services REC-MR(ECI):011 - used at initial assessment if child not eligible  Notice of Discharge REC-MR(ECI):006 – if child was enrolled & no longer eligible

#### Consent

ECI must ensure that the parent is fully informed and has agreed in writing too all activities before the child participates.

Written parental consent must be obtained before any of the following events take place:

Event	Form to be used
Conducting screening, assessment, or evaluation	Pre-enrollment – Notice of Initial IFSP meeting & Consent for Initial Screenings & Evaluations REC-MR(ECI):003 Later – Consent for Screenings & Evaluations/Assessments REC-MR(ECI):008
Providing services as stated in the IFSP	At initial or annual IFSP meetings - IFSP Signature Sheet REC-MR(ECI):044

Event	Form to be used
Changing services listed on the IFSP – frequency, intensity, location, or payment arrangements. Adding/discontinuing services	IFSP Record of Changes in Outcomes, Services & Evaluations Grid Page Revision REC-MR(ECI):042
Releasing personal identifiable information or exchanging P.I. information with other entities	Consent for Release of Information REC-MR(ECI):004
Billing private insurance	Consent for Third Party Billing REC-MR(ECI):009

**Section IV. Appointment of a Surrogate Parent for ECI**

ECI must ensure that all rights of an eligible child are protected if no parent can be identified; after reasonable efforts, cannot discover the whereabouts of a parent; or the child is a ward of the state under the laws of Texas.

ECI will ensure that the child's rights are protected by assigning a surrogate parent to represent the child's interests in matters pertaining to assessment, evaluation, IFSP development, and early intervention services. It is the responsibility of the ECI Service Coordinator to follow the policies and procedures for appointing a surrogate parent to represent the child.