

## **Confidentiality of Children participating in Early Intervention Program 10/09**

O'Brien Speech Language and Learning PLLC (OBSLL) preserves the confidentiality of records pertaining to children participating in the early intervention program. We implement and maintain policies and procedures to assure the protection of confidential personally identifiable information.

OBSLL ensures that administrative workers, contractors, consultants and volunteers with access to personally identifiable information are informed and required to adhere to all confidentiality requirements. Geri O'Brien is the designated person to guarantee the confidentiality of personally identifiable information.

### **Storage of Records**

Storage of child records is secure in a locked file cabinet and records are disposed of by shredding. We do not store records off site. All providers understand that when transporting records they are responsible for the security and keep records locked when not attended to.

Electronic records stored on the computer is maintained by the use of password protection and back up of discs, CD's and DVD's which are stored in a secure locked file cabinet

Confidentiality is maintained when e-mail is used. Child specific identifiable information is not transmitted via e-mail; encryption, firewalls and/or password protection etc. are in place. All parties involved in the sending and receipt of an electronic record are able to maintain the confidentiality of that record. Child specific identifiable information includes a list of personal characteristics or other information that would make it possible to identify the child.

When faxing information, the safeguarding of faxed information requires the use of a fax cover sheet that includes a confidentiality statement. The provider ensures that the fax recipient maintains a secure site, and faxed information will not be accessible to unauthorized personnel or to the general public.

### **Procedure for Parental Review of Records**

Parents are afforded the opportunity to review and inspect the file with understanding of explanations about the record. When parental consent is given for release of information, please include the name of the entity, which records are to be obtained or released, the specific record to be used and the purpose of such use, the date the parent signed the consent, and the parent's signature and relationship to the child. When a general release is used, the parent informs of the right to refuse to sign a general release and offered the opportunity to sign a more selective release.

Access to records includes a review of the record by the parent or a representative on behalf of the parent and explanation and interpretation of material included in any EI record upon request and a copy of any record within 10 working days of the request. If the request is made as part of a mediation or impartial hearing, a copy is provided within 5 days. Where any part of the record contains information on

more than one child, the parent shall only have the opportunity to review and inspect the portion of the record which pertains to their child. OBSLL may charge 10 cents per page for the first copy and 25 cents per page for any additional copies provided that the fee does not prevent the parent from exercising the right to inspect and review records and provide that no fees shall be charged to parents to obtain copies of any evaluations or documents to which parents are specifically entitled nor shall parents be charged for fees for the search and retrieval of the record. OBSLL will keep a record of parties obtaining access to records gathered maintained or used for EI program.

The parent has the right to request an amendment to their child's record when the parent believes the information contained in the record is inaccurate, misleading, or violates the privacy or any other rights of their child. If we decide not to amend the record then we inform the EIO of this decision.

The EIO is responsible for informing the parent in writing of the provider's decision not to amend the record and that the parent has the right to a hearing. The hearing will be conducted by an individual designated by the municipality who does not have a direct interest in the outcome of the hearing. If information is found to be inaccurate, or misleading, or to violate the privacy of the child/family, the provider amends the information and informs the family's service coordinator. The service coordinator notifies the parent in writing of the amendment.

When records contain information about more than one child, information about other children receiving services are protected. Only information about a child who is the subject of a request for record access or disclosure is released.

Written parent consent is obtained before personally identifiable information is disclosed to anyone other than authorized individuals. If the reason for disclosure of information is for the purpose of record review for quality assurance by individuals who are not directly involved in the child/family participation in the EI program, the parent is informed of the names of individuals who will be accessing their record and the purpose for the access. If consent is given those individuals accessing the record must also be informed about and required to adhere to the confidentiality policies and procedures of the EIP and must adhere to all legal requirements that protects EIP records containing sensitive information.

Records are maintained for 6 years from the last billed date. If electronic signatures are used electronic documentation is maintained that gives the providers right to receive payment under the Medicaid program and ensure the confidentiality of the child. OBSLL can determine the record start date and documentation of alteration of the record is prevented by (Read only format).

Individual providers are kept informed of OBSLL confidentiality requirements.

I acknowledge that I have read and agree to the terms of this Confidentiality Policy.

Signature \_\_\_\_\_

Date \_\_\_\_\_