

Suffolk County Department of Health Services
Early Intervention Program
Policy and Procedure Manual

Policy: CONFIDENTIALITY OF RECORDS

All Early Intervention staff and Early Intervention service providers will strictly enforce the confidentiality requirements set forth in Federal IDEA, New York State Early Intervention Regulations, Federal Educational Rights and Privacy Act (FERPA) and County contracts.

In Accordance with the Federal Educational Rights and Privacy Acts (FERPA), child records and other materials contained therein which are personally identifiable, are confidential and may not be released or made available to persons other than those authorized. Suffolk County Department of Health Early Intervention Program records are kept in locked files and are made available only to authorized individuals.

Only the Early Intervention Official (EIO), administrators, service coordinators and office staff employed by Suffolk County Department of Health Early Intervention Program, who have a need to know, will have access to children's records.

The Early Intervention Program Director, Meryl T. Zaglin, Ed.D. , is the individual responsible to guarantee confidentiality of child records.

No staff member may duplicate or remove from the premises any personally identifiable data relating to any child receiving Early Intervention Services without explicit permission from administrative staff.

Procedure:

Records are maintained in fire proof, locked cabinets to ensure appropriate access and confidentiality.

All file storage units have a notice that they contain confidential records and that access is limited.

All individual records contain a separate page which documents the date of access, the person who accessed the record and the purpose of that access.

Correspondence or record of one child shall not reveal the name of another Early Intervention child or family.

County staff or Early Intervention provider shall not verbally convey information about an Early Intervention child or family without written parental consent.

Records transported are secure to maintain confidentiality.

Records and other information containing identifiable information are destroyed at the appropriate time by shredding following the County shredding policy.

No personally identifiable information is transmitted electronically by computer or email.

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All faxes are sent with a notice of confidentiality and the recipient is called first to be advised to expect the fax. Recipient will be asked if this fax machine is in a secure location and not open to the general public.

Only information appropriate to request for information shall be released. *Sensitive Information* about a child or a family must be protected. This information includes information about sexual or physical abuse, treatment for mental illness or mental health issues, HIV status; communicable disease status, the child's parentage, etc. and may not be disclosed without express written consent

ACCESSING AN EARLY INTERVENTION RECORD

Requests for access to a child's record by a person, other than an authorized employee of Suffolk County, shall be directed to the Director of Early Intervention in writing.

If the request for access is approved, a record of such access, the "Child Record Access Log" shall be maintained in the child's file, which will indicate the date, person and reason(s) for the access. Child records may be inspected at the place they are regularly maintained and procedures shall be utilized to ensure that such records are not destroyed or altered in any way.

DUE PROCESS RIGHTS

- **Parents will be notified of their Due Process Rights by the initial service coordinator when Early Intervention Program rights and entitlements are first explained to them. These rights are detailed in the New York State, "A Parent's Guide". A copy of which is given to the family at the initial home. The "A Parent's Guide" is available on the New York State Department of Health website and parents will be told how to access this guide either from their personal computer or from a computer at a local library. The parent will be informed of this right each time the municipality and the parent reach an agreement at an IFSP meeting or if there is a dispute over eligibility .**

PARENT'S RIGHT TO AMEND AN EARLY INTERVENTION RECORD

- **If a parent wishes to amend the record, the EIOD must be notified in writing**
- **The information in the record found to be inaccurate will be amended and the parent will be informed of the amendment in writing.**
- **If the municipality decides not to amend the record as requested, the parent will be informed of this decision in writing and that the parent has the right to a hearing**

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PARENT'S RIGHT TO REVIEW AN EARLY INTERVENTION RECORD

Parent's have a right to:

- **Receive an understandable explanation about and interpretations of information included in any Early Intervention record upon request.**
- **Obtain a copy of any Early Intervention record within 10 working days of receipt of the request by the Early Intervention Official or Early Intervention service provider.**
- **Obtain a copy of any early intervention record within 5 days if the request is made as part of a mediation or impartial hearing.**
- **Have a representative review the record on the parent's behalf.**
- **A fee not to exceed 10 cents per page for the first copy and 25 cents per page for additional copies may be charged the parent to copy EI records, unless the fee prevents the parent from inspecting and reviewing the record.**
- **No fee may be charged for records related to evaluations and assessments or for the search and retrieval of records.**
- **All of the above rights extend to the Commissioner of Social Services for a child in the care and custody or custody and guardianship of the local social services districts.**

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Policy: CHILDREN WITH HIV INFECTION and ACCESS TO EARLY INTERVENTION SERVICES

Medical conditions such as HIV-Infection, HIV Related Illness or AIDS (hereafter referred to as HIV Infection) do not in and of themselves generally constitute a basis for a referral to Early Intervention services. Services for children with HIV – Infection, as well as for other children, should be based on the individual child’s developmental status. However, unless medical documentation provided by a child’s treating physician precludes the child’s participation, a child with HIV – Infection is not to be restricted from Early Intervention services. All information regarding the child’s/family’s HIV status will be kept confidential in compliance with Federal laws.

Policy: CONFIDENTIALTY OF HIV STATUS INFORMATION

Article 27 of the New York State Public Health Law strictly protects the confidentiality of information about people who have HIV-Infection, or who have considered undergoing HIV testing. In accordance with this law, Early Intervention providers are obligated to maintain the confidentiality of this information if learned during the course of providing service so as to ensure that the person is not discriminated against as a result of his/her HIV positive status. As such, the identity of any child with HIV infection cannot be disclosed without specific consent to release of such protected information by the parent or legal guardian. The information may not be disclosed verbally or contained in any written record (e.g., evaluation, progress reports, etc.)

Procedure:

- The consent for the disclosure of HIV confidential information can only be made by completion of the “Authorization for Release of Confidential HIV Related Information” (EIP-INFEC-1). This form must be fully completed by the parent or legal guardian and must include the following information:
 - Name of person whose HIV-Related information will be released.
 - Name and address of person signing release.
 - Relationship to person whose HIV information will be released.
 - Name and address of person who will be given HIV-Related information.
 - Reason for release of HIV-Related information.
 - Length of time during which release is authorized and that release may be withdrawn at any time.
- If during the course of a meeting with a child’s parent or legal guardian a child’s HIV status is disclosed, The EIOD will keep this information confidential.
- If a medical report or evaluation is received that discloses a child’s HIV status that information will be included in the child’s record only if the information is accompanied by an appropriate “Authorization for Release of Confidential HIV-Related Information” form that permits the disclosure of this information to the Suffolk County Early Intervention Program. All providers will be informed of the Suffolk County Early Intervention HIV policy.

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- **If information regarding a child's HIV status is included in his/her record accompanied by "Authorization for Release of Confidential HIV-Related Information" that information will not be disclosed to any party without a new release being executed by the child's parent or legal guardian. If the release is not properly executed by the parent or legal guardian, the information will be redacted from the child's record before the record is released**