

SARATOGA COUNTY EARLY INTERVENTION PROGRAM

NOTICE OF PRIVACY PRACTICES

This notice describes how your child's Early Intervention information may be used and disclosed and how you can get access to this protected information.

PLEASE REVIEW THIS NOTICE CAREFULLY

The Saratoga County Early Intervention Program & its early intervention service providers* are committed to maintaining the **confidentiality** of your early intervention records in accordance with the Federal Regulations of FERPA, IDEA & HIPAA requirements. All employees of Saratoga County Public Health Services, Saratoga County contractors, consultants and volunteers are informed about and required to adhere to the confidentiality policies and procedures. Our agency adheres to all legal requirements that protect early intervention records containing sensitive information (such as sexual or physical abuse, HIV status, treatment for mental illness, the child's parentage, etc.) Our agency ensures that all confidential information be maintained according to HIPAA requirements when in an electronic format.

This notice will provide you with information on how we may use and disclose information while protecting the privacy of your child's early intervention records. Federal laws and regulations contemplate that early intervention records pertaining to a given child and family will be created and maintained by public agencies and multiple early intervention providers* with whom they interact. In addition, federal and state requirements recognize and account for the fact that some early intervention records will include information about more than one child and/or family.

Confidentiality

We will ensure the confidentiality of all information maintained by Saratoga County Early Intervention Program Official (EIO), providers * and all personnel involved in mediation and impartial hearing procedures are responsible for ensuring the confidentiality of all personally identifiable information in all early intervention records.

Confidential exchange of information will not occur without a written release from the parent/legal guardian of the child. Consent to release information will be obtained prior to release of information and can be acquired through a general release or a specific release per parent request.

Saratoga County Early Intervention Program and its providers * will:

- Maintain records containing personally identifiable information in a secure location.
- Maintain a record of any individual who accesses your child's record and the purpose for which record was accessed.

* "Early Intervention Providers" refers to any individual, incorporated entity, sole proprietorship, partnership, or state-operated facility approved by the Department of Health to deliver early intervention services (including evaluations, service coordination, and general services) and under contract with Saratoga County or under subcontract with another early intervention provider.

- Adhere to all legal requirements that protect early intervention records containing sensitive information.
- Ensure the confidentiality of all information maintained in an electronic format.
- At the request of the parent, ensure that all personally identifiable information is removed from early intervention records and destroyed once information is no longer needed for the Early Intervention Program and until the child is 21 years old. However, a permanent record of the child and family's name & address & the types and dates of services received may be maintained without time limitation.
- Parents have the right to request all personally identifiable information be removed from early intervention records and destroyed once the information is no longer needed for the Early Intervention Program.

WAYS WE MAY BE USING AND DISCLOSING YOUR CHILD'S PROTECTED EARLY INTERVENTION RECORDS

The following are ways in which we may use and disclose your child's protected early intervention records:

Delivery of Early Intervention Services: Our agency may use your child's records to provide the delivery of services to your child. We may allow or disclose information to your child's Early Intervention providers* in order to provide the services that are indicated on the IFSP. In addition, we may disclose information to others who may assist in your child's care, such as your child's physician and other outside agencies that contribute to the care of your child.

Medicaid & Third Party Reimbursement: Our agency may use and disclose your child's protected early intervention records for billing and reimbursement for services your child may receive. Examples of such use and disclosure may include: contacting your health insurance provider to verify coverage and to obtain payment for allowed services.

Health Care Operations: Our agency may use and disclose your child's early intervention records to support the business activities of the Saratoga County Early Intervention Program. For example, we may use and disclose your information to evaluate the quality of care you received or monitor our compliance with state and federal regulations.

Business Associates: Our agency may use or disclose information to a person or entity we contract with to perform some of our functions for us and who need access to the information to perform those functions. For example: a billing service, attorney and auditor.

Uses and Disclosures of Protected Early Intervention Records WITHOUT An authorization: Our agency may use or disclose your child's identifiable information to any government official of participating agencies collecting or using the information for

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the purposes of the Early Intervention Program, such as NYS Department of Health employees in their oversight and monitoring capacity, other early intervention agencies and municipalities. We may disclose information when required by law, such as responding to a court order or subpoena.

Uses and Disclosures of Protected Early Intervention Records WITH An Authorization: In addition, the release of personally identifiable information and early intervention record content to any other individuals or departments/units within a municipality or provider agency who are not directly involved in the delivery or oversight of services to the child/family requires parental consent.

Consent for Exchange of Information

- Parents have the right to refuse a general release for disclosure of information
- Parents have the opportunity to sign selective releases that specify by name or category those individuals to whom information may be disclosed or from whom information may be sought, what specific information may be released and the time period for which the consent to release is applicable.
- Parents have the ability to revoke a general release at any time.

Parents Rights Pertaining to their child's early intervention records

- Parents have the right to inspect and review his or her child's early intervention records. This should be a written request to the relevant provider and/or EIO.
- Parents have the right to obtain copies of early intervention records upon request. Our agency may charge a reasonable fee for the cost of copying and postage. You will be informed of the amount prior to the copying.
- Parents have the right to receive an understandable explanation about and interpretations of information included in any early intervention record upon request.
- Parents may obtain a copy of any early intervention record within 10 working days of receipt of the request by the EIO (Early Intervention Official) or early intervention service provider. You may request in writing to:
Early Intervention Official
Saratoga County Public Health Services
6012 County Farm Road
Ballston Spa, NY 12020
- Parents may obtain a copy of any early intervention record within 5 days if the request is made as part of mediation or impartial hearing.
- Parents may have a representative review the record on the parent's behalf.

All of the above rights extend to the commissioner of social services for children in the care and custody and guardianship of the local social services district.

Right to Amend the Record

IDEA & FERPA regulations give the parent the right to request an amendment to any early intervention record pertaining to their child when the parent believes the

information contained in the record is inaccurate, misleading, or violates the privacy or any other rights of the child.

You have the right to request an amendment be made in writing to either the Early Intervention Official of Saratoga County Early Intervention or to the early intervention provider. You must specify in writing as to who made the entry, date of entry, reason for change and what it should read. The EIO or early intervention provider will respond to your request within 10 working days. If the EIO or provider agrees to the amendment requested, he/she will notify the parent and the service coordinator of the agreement to amend the record. If an early intervention provider does not agree to a parent's request to amend the record, he/she must notify the EIO of that decision. The EIO will notify the parents in writing if a request to amend the record is not agreed to and inform you of the right to an administrative hearing regarding the request to amend. An administrative hearing will occur within a reasonable time after parent requests such a hearing.

ACCESS TO RECORDS

Early Intervention Officials and providers are responsible for providing the parents with the right to inspect and review records and for maintaining a log of any individual who has accessed a child's records.

YOU MAY FILE A COMPLAINT ABOUT YOUR PRIVACY PRACTICES

If you believe that your privacy rights have been violated or if you are dissatisfied with our privacy policies or procedures, you may file a complaint either with us or with the State & or Federal government. You will not be retaliated against for filing a complaint or assisting in an investigation.

If you wish to file a complaint with Saratoga County you may contact:

Saratoga County Early Intervention Official
Saratoga County Public Health Services
6012 County Farm Road
Ballston Spa, NY 12020
Phone: 584-7460

Complaints of alleged violations of Early Intervention Program regulations should be submitted to:

Director, Early Intervention Program
New York State Department of Health
Room 287 Corning Tower Building
Albany, New York 12237-0618

Complaints of alleged violations of FERPA requirements may be addressed to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605

- Federal Family Educational Rights & Privacy Act (FERPA) and regulations (34 CFR Part 99)
- Individuals with Disabilities Education Act (IDEA) and regulations (34 CFR 303; 34 CFR 300.560 through 300.576)
- Title II-A of Article 25 of PHL and 10NYCRR 69-4 Medical Assistance Program (Medicaid)
- HIPPA (Health Insurance Portability and Accountability Act)