



OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN

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WELFARE

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SUBJECT:

Information Sharing Policies and Procedures for Communication Between Agencies and Individuals Who Supervise and Care for Children and Youth in Out-of-Home Placement and the Physical Health and Behavioral Health Managed Care Organizations

BY:

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SCOPE:

COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES
JUVENILE COURT JUDGES
JUVENILE COURT JUDGES' COMMISSION
COUNTY CHIEF JUVENILE PROBATION OFFICERS
JUVENILE DETENTION CENTERS
JUVENILE LAW CENTER
ORPHANS COURT JUDGES
PRIVATE ADOPTION AGENCIES
PENNSYLVANIA STATE RESOURCE FAMILY ASSOCIATION
PENNSYLVANIA CHILDREN AND YOUTH ADMINISTRATORS ASSOCIATION
PENNSYLVANIA COUNCIL OF CHILDREN, YOUTH AND FAMILY SERVICES
REHABILITATION AND COMMUNITY PROVIDERS ASSOCIATION
AETNA BETTER HEALTH
AMERIHEALTH CARITAS PENNSYLVANIA
AMERIHEALTH NORTHEAST
COVENTRY CARES
GATEWAY HEALTH
GEISINGER HEALTH PLAN FAMILY
HEALTH PARTNERS PLANS
KEYSTONE FIRST
UNITED HEALTHCARE COMMUNITY PLAN
UPMC HEALTH PLAN, INC./UPMC FOR YOU
COMMUNITY BEHAVIORAL HEALTH
COMMUNITY CARE BEHAVIORAL HEALTH ORGANIZATION
MAGELLAN BEHAVIORAL HEALTH CARE OF PA, INC.
PERFORMCARE
VALUE BEHAVIORAL HEALTH OF PENNSYLVANIA

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

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PURPOSE:

The purpose of this bulletin is to update Office of Children, Youth and Families (OCYF) Bulletin 00-99-05, "HealthChoices Information Sharing Policies and Procedures." OCYF Bulletin 00-99-05 was issued October 1999, prior to final privacy rule of the Health Insurance Portability and Accountability Act (HIPAA) 45 CFR Parts 160 and 164, as amended and the enactment of the Health Information Technology for Economic and Clinical Health (HITECH) Act (Pub. L. 111-115, 123 Stat.115, enacted February 17, 2009). This bulletin is to transmit to child welfare agencies and physical health (PH-MCO) and behavioral health managed care organizations (BH-MCO) protocol and guidelines for communication between agencies and individuals who supervise and care for children and youth in out-home-placement (also known as substitute care) and the PH-MCO and BH-MCO. This bulletin makes obsolete OCYF Bulletin 00-99-05.

These guidelines will:

- Identify the types of people who may be involved in obtaining, coordinating or ensuring health care services for children and youth in out-of-home placement and who may receive information directly from PH-MCO member services staff or BH-MCO care coordinators;
- Establish factors for PH-MCO member services staff or BH-MCO care coordinators to consider when determining whether a caller may obtain information regarding specific children;
- Identify types of information that PH-MCO member services staff or BH-MCO care coordinators can routinely share with callers; and
- Identify types of information that PH-MCO member services staff or BH-MCO care coordinators may not share with callers.

BACKGROUND:

As of March 1, 2013, Medical Assistance (MA) recipients in all 67 counties now receive their physical health care services through HealthChoices, Pennsylvania's mandatory MA managed care program. The ACCESS Plus Program ended in Pennsylvania on February 28, 2103.

As of July 1, 2007, all 67 counties are mandatory managed care for behavioral health care services.

Children and youth (children) in the legal custody of a County Children and Youth Agency (CCYA) and juveniles placed through the county juvenile probation office (JPO) under the jurisdiction of the juvenile court are mandated to be enrolled in HealthChoices for physical and behavioral health care services.

In an effort to enhance coordination between CCYAs, JPOs, PH-MCOs, BH-MCOs and the Department of Public Welfare (Department), the Department established a workgroup led by the Office of Medical Assistance Programs for the sole purpose of developing guidance on information sharing policies and procedures. Bulletin 00-99-05,

issued October 1999, was a product of the workgroup's efforts to enhance coordination. This bulletin makes obsolete OCYF Bulletin 00-99-05.

DEFINITIONS:

Children in Out-of-Home Placement - Children living outside their homes who have been placed in the legal custody of a CCYA and/or under the jurisdiction of the county juvenile court. Children may be in the legal custody of the CCYA or under the jurisdiction of the county juvenile court until their 21st birthday. Children in out-of-home placement may live in settings such as: shelters, foster homes, group homes, their own apartment (under the supervision of an agency), residential treatment facilities, community residential rehabilitation (CRR) host homes, other residential child care facilities, college dormitories and juvenile detention centers.

Court-Appointed Special Advocate (CASA) - An individual appointed by the court to participate as an advocate for a child in out-of-home placement. Generally, individuals serving as CASAs are not attorneys. A child who has a CASA advocating for him or her will also have an attorney assigned to represent him or her. (See "Child Advocate/Guardian ad litem")

Covered Entity - A health plan, a health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a transaction covered under the HIPAA and HITECH rules.

Formal Kinship Caregiver - An individual, 21 years of age or older, who is providing care for a child in out-of-home placement and serving as the child's foster parent/resource parent. The CCYA places the child with the caregiver and maintains legal custody of the child. The relationship between the caregiver and the child will involve one of the following characteristics:

- related within the fifth degree of consanguinity to the child through blood, marriage, or adoption; or
- godparent as recognized by an organized church; or
- member of the child's tribe; or
- significant and positive relationship with the child or the child's family.

Foster Parent/Resource Parent - An individual responsible for providing residential care and supervision in a family environment to a child placed with the foster parent/resource parent by a CCYA or JPO. Some foster parents/resource parents are supervised directly by the CCYA. Other foster parents/resource parents are supervised by private foster care agencies which have contracted with county agencies to provide this service.

Guardian ad Litem (GAL) - An attorney appointed by the county juvenile court to represent a child in out-of-home placement.

Primary Care Dentist (PCD) - A primary care dentist responsible for providing primary dental care services to the child.

Primary Care Practitioner (PCP) - A primary care practitioner responsible for providing primary health care services and locating, coordinating, and monitoring other medical care and rehabilitative services for the child.

Protected Health Information (PHI) - Individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium.

Staff Members of County Children and Youth Agencies - Examples of job titles of staff members who may communicate with PH-MCOs or BH-MCOs under these guidelines include caseworker, casework supervisor, social worker, social work supervisor, managed care liaison, administrator, intake worker, or secretary. Staff members may also include medical directors, physicians, and nurses who are employed or contracted by the CCYA agency. This list provides examples only and is not to be considered exclusive.

Staff Members of County Juvenile Detention Centers - Examples of job titles of staff members who may communicate with PH-MCOs or BH-MCOs under these guidelines include social worker, caseworker, intake worker, supervisor, administrator, nurse, child care worker, counselor, secretary, or managed care liaison. This list provides examples only and is not to be considered exclusive.

Staff Members of Private Agencies - Examples of job titles of staff members who may communicate with PH-MCOs or BH-MCOs under these guidelines include social worker, caseworker, intake worker, supervisor, administrator, nurse, child care worker, counselor, secretary, or managed care liaison. This list provides examples only and is not to be considered exclusive.

Termination of Parental Rights (TPR) - A court order that ends the legal relationship between parent and child.

DISCUSSION:

PH-MCOs and BH-MCOs are covered entities subject to confidentiality restrictions set forth under HIPAA and HITECH privacy regulations. PH-MCO and BH-MCO staff are only permitted to release information regarding children in out-of-home placement to staff members of entities with legal custody of the child or those limited number of individuals who have been given the authority to make health care decisions on the child's behalf by the juvenile court. Each CCYA and JPO is requested to identify a single point of contact to serve as a liaison responsible for physical and behavioral health care services coordination activities with the MCOs and the Department. Only designated liaisons from the CCYAs with legal custody, or JPOs authorized by the juvenile court through specific court order, have the authority to enroll children in a PH-MCO and to select and/or change a primary care provider (PCP) or

primary care dentist (PCD) under HealthChoices for children in out-of-home placement. The Department maintains a list of the designated liaisons for each CCYA and JPO to assist PH-MCOs in identifying individuals authorized to make plan selections and PCP or PCD changes. Other individuals outlined under Number 1 below, who have been given the authority to make health care decisions on the child's behalf, may be permitted to receive certain pieces of basic information related to the child's PH-MCO or BH-MCO coverage in order to assist the child in accessing medical services.

This bulletin sets forth the policies and procedures for the routine sharing of general information between agencies and individuals that supervise and care for children in out-of-home placement and the PH-MCOs and BH-MCOs in which they are enrolled. These policies and procedures apply to all HealthChoices Zones.

The procedures outline:

- how to respond to callers who make requests for information;
- what information the caller must provide to have his or her request honored;
- what type of information may be shared;
- what type of information is restricted;
- special instructions related to parents whose rights have been terminated or restricted and children who have been adopted; and
- individuals authorized to enroll/disenroll a child in out-of-home placement in a PH-MCO and select and/or change the child's PCP or PCD.

PROCEDURES:

1. Individuals To Whom Information May Be Released

Any of the following may request and receive the information specified in Number 4 on pages 6 and 7 of this bulletin directly from the PH-MCO or BH-MCO member services staff regarding a child in out-of-home placement:

- social workers, medical directors, physicians, nurses or other staff members of CCYAs;
- juvenile probation officers;
- staff members of county juvenile detention centers;
- social workers or other staff members of private agencies that provide placements for children in out-of-home care;
- foster parents/resource parents;
- formal kinship caregivers;
- court-appointed special advocates (CASAs) for the children, **as long as they provide documentation of their appointment by the court to advocate for the child;**
- attorneys, child advocates, or guardians ad litem (GAL) for children (including social workers and paralegals who work for them), **as long as**

they provide documentation of their appointment by the court to represent the child;

- the child;
- parents, unless a court has terminated the parents' rights or otherwise restricted the parents' access to information concerning the child; and
- representative of the Department.

2. Procedure Regarding Parents Whose Rights Have Been Terminated or Restricted

CCYAs will use the "HealthChoices Program, Children in Out-of-Home Placement-Parental Access Restricted" form to notify the PH-MCOs or BH-MCOs when a termination of parental rights (TPR) has occurred or when a court has otherwise restricted a parent's access to information concerning a child in out-of-home placement (see Attachment A). After TPR is court ordered, the parent has no legal right to information concerning the child. CCYAs will provide the PH-MCOs or BH-MCOs with initial lists (using Attachment A) of children currently in their legal custody whose parents' rights have been terminated. CCYAs will use Attachment A to provide the PH-MCOs or BH-MCOs with updated lists whenever a TPR or other restrictive court order occurs. The new cases will appear on the updated lists in **bold face type**.

The PH-MCOs or BH-MCOs will enter the information provided by CCYAs into their databases and will return the notification forms to the CCYAs, indicating that the information has been entered.

The PH-MCOs or BH-MCOs will process the information provided by the CCYAs regarding new cases within two weeks of receiving the information. The PH-MCOs or BH-MCOs are not responsible for the accuracy or timeliness of the information provided to them by the CCYAs.

3. Information the Caller Must Provide to Receive Information

Callers must provide the PH-MCO or BH-MCO member services staff with the following information:

- the child's name;
- the child's date of birth; and
- the child's social security number, medical assistance recipient number, or PH-MCO or BH-MCO member number.

In addition, court-appointed attorneys, child advocates, guardians ad litem, or court-appointed special advocates for children in out-of-home placement must provide the PH-MCO or the BH-MCO member services unit with documentation of their appointment by the court to represent or advocate for the child.

4. Information To Be Routinely Shared

PH-MCO or BH-MCO staff must routinely share the following types of information with callers as identified under Number 1, which starts on page 5, and who know the three pieces of identifying information regarding the child listed in Number 3 above:

- the PH-MCO or BH-MCO member number;
- the PCP assigned to the child, or behavioral health provider, including all available information such as address, phone number, and office hours;
- the PCD assigned to the child, including all available information such as address, phone number, and office hours;
- member handbook;
- information regarding complaint, grievance, and appeal procedure;
- any other available consumer or member publications, or educational materials;
- the participants in the PH-MCO or BH-MCO network (including specialists, pharmacies, equipment suppliers, ancillary providers);
- available information regarding Early Periodic Screening and Diagnostic Treatment (EPSDT);
- information about available transportation services; and
- any information about PH-MCO or BH-MCO policies and procedures that the PH-MCO or BH-MCO would routinely provide to a member or the parent of a member.

5. Restricted Information/Activities

a. Decision Status

For inquiries regarding the status of PH-MCO or BH-MCO decisions on requests for prior authorization, exceptions to formularies, or other exceptions to standard procedures, callers should first contact the PCP, PCD, or relevant physical health care or behavioral health care provider who submitted the request to the PH-MCO or BH-MCO.

If callers have not obtained a response from the health care provider, and the PH-MCO or BH-MCO deadline for deciding the request has passed, PH-MCO or BH-MCO member services staff will assist callers in obtaining the information.

b. PCP and PCD Changes

CCYAs and JPOs have designated specific staff members who are authorized to enroll/disenroll children from PH-MCOs and to select and/or change PCPs and PCDs for children in out-of-home placement. **No one else is authorized to take such actions for these children.**

PH-MCO staff should respond to requests for PCP and PCD changes in the following way:

- If the caller is not authorized to make PCP or PCD changes, the PH-MCO staff member should refer the caller to the relevant county agency.
- PH-MCO staff should not provide the names of the individuals who are authorized to make PCP or PCD changes.

6. Adopted Children

Some children in out-of-home placement are eventually adopted by their foster parents/resource parents or by other individuals. Once these children have been adopted, their adoptive parents have full authority over their health care, as well as full authority to communicate with PH-MCOs or BH-MCOs, to enroll/disenroll their children from PH-MCOs and select or change their children's PCP and PCD. PH-MCO and BH-MCO staff should treat the adoptive parents of children who were formerly living in out-of-home placement the same way they would treat a parent of any child who is enrolled in the PH-MCO or BH-MCO.

When the County Assistance Office (CAO) receives verification from a CCYA that a child is receiving adoption assistance, MA benefits under the child's foster care record are closed. The CAO then authorizes adoption-related MA benefits for the child and assigns the child a new MA identification number under category PC 32 or PC 34 in the Client Information System (CIS). Due to the assignment of a new MA identification number, the adopted child appears in CIS as a new individual previously unknown to the system and not associated with the receipt of any prior MA benefits. The MA benefits are opened with the child listed as the payment name "in care of" the adoptive parents. The adoptive parents are not listed as individual household members on the child's MA record in CIS.

In handling calls related to adopted children, PH-MCO and BH-MCO staff should proceed as follows:

- For children receiving adoption-related MA under a PC 32 or PC 34 category in CIS, the PH-MCO or BH-MCO should use the information indicating who the child is "in care of" as identification of the adoptive parents and should treat these individuals the same way they would treat a parent of any child who is enrolled in the PH-MCO or BH-MCO.
- For children receiving adoption-related MA under a PC 32 or PC 34 category in CIS, if the PH-MCO or BH-MCO staff are contacted by an individual who states they are an adoptive parent but are not listed as an individual the child is "in care of," the PH-MCO or BH-MCO staff should refer the individual to the CAO in order to have their name added to the "in care of" portion of the child's MA record.

**HEALTHCHOICES PROGRAM
CHILDREN IN OUT-OF-HOME PLACEMENT -- PARENTAL ACCESS RESTRICTED**

County _____ Date _____ County Staff Member _____
Signature _____

<u>Child's Name</u>	<u>PH-MCO, BH-MCO</u>	<u>PH-MCO, BH-MCO Member #</u>	<u>SSN</u>	<u>DOB</u>	<u>Names of Restricted Individuals</u>

PH-MCO OR BH-MCO VERIFICATION
PH-MCO OR BH-MCO: _____
DATE: _____

**Signature indicates that the PH-MCO or BH-MCO
has received and processed the above information.**
Signature: _____
Name and Title (Print) _____