

2511: RELEASING CONFIDENTIAL INFORMATION

All SoonerStart staff are expected to adhere to the FERPA regulations protecting the privacy of student education records. Additional protections have been instituted by the Oklahoma State Department of Education (OSDE) in the release of confidential information.

Any requests for the release of confidential information from an outside agency or program must be forwarded to the SoonerStart Regional Coordinator for approval or submission to the OSDE to be processed through OSDE Legal Services. This includes releases from the Social Security Administration to process SSI applications; Head Start and Early Head Start, Doctors Offices or Hospitals; Department of Human Services or Legal subpoenas from Attorneys. The Regional Early Intervention Coordinator (REIC) is responsible for tracking the date and to whom the record is released.

Social Security:

Social Security requests for records to support the application for SSI benefits signed by the parent(s) (Form SSA-827) may be processed at the local level by the Resource Coordinator with the approval of the REIC. The signed SSA-827 specifies that the authorization permits disclosure of all the client's medical or educational information to Social Security and DDS offices for the time period requested. All treatment notes (including psychological counseling notes that are maintained in the SoonerStart record) are covered in this disclosure release. Information provided to the Social Security Administration is utilized to make a determination for granting SSI benefits. While Form SSA-827 authorizes release of the entire record, the SoonerStart REIC may use discretion in providing the most appropriate and applicable documentation (i.e. MECATS, IFSP, progress notes) to assist the Disability Determination Division in determining a child's eligibility. Administrative paperwork such as evaluation consents, prior written notice, notifications of meetings is not needed.

Department of Human Services:

Under Oklahoma statute 10A § 1-6-103, SoonerStart records may be released to the Oklahoma Department of Human Services (DHS) for a child who is in DHS custody or the subject of an investigation of Child Abuse or Neglect. Upon receiving an Authorization to Disclose Medical Records from DHS, accompanied by a copy of the DHS employee's identification badge, the release of records may be processed at the local level by the Resource Coordinator with the approval of the REIC.

Ongoing communication with other agencies:

Many times multiple agencies (Early Head Start, DHS*, etc.) have a vested interest in the services provided to the child and ongoing collaboration is in the best interest of the child. However, for the Release of Information (ROI) to be used more than for a one-time event (ex: releasing records to doctor) there must be a reason that information needs to be shared in an ongoing manner. The ROI must be signed in the presence of a SoonerStart staff member by the child's parent or legal guardian and specify what information will be shared and to what agency or person. The ROI should also indicate the purpose for ongoing communication versus a one-time release. The SoonerStart release is good for

one calendar year and must be updated annually. A ROI received from another agency or program to obtain information using their own release form cannot be used to share information or communicate on an ongoing basis and will be subject to processing as outlined in the next section titled “other requests.”

*Note: This section would apply only when children are not in DHS custody.

Other Requests:

Requests for SoonerStart records that are received from doctors’ offices, attorneys, head start or any other agencies must be processed through OSDE Legal Services. Unless the records are requested through a subpoena, the request received must include a notarized Confidential Release Form. The Resource Coordinator or clerical support personnel should forward the subpoena and/or confidential release form to the REIC. The REIC will submit the request and record documentation to OSDE Legal Services for processing. The OSDE Legal Services will review the request and inform the REIC if the requested information from the child’s SoonerStart record should be submitted to Legal Services. Legal Services will make the final decision and be responsible for sending the information to the requestor. If the local site receives telephone calls from the agency requesting the status of the release of information, refer the caller to the REIC.

Processing a Release/Request for Information:

A parent or legal guardian of a child in the SoonerStart program may request that information from a child’s record be provided to an outside agency or program. If the parent or legal guardian signs a Release of Confidential Information form in the presence of the SoonerStart employee, the request for the release of record information may be processed at the local level through the REIC. This Release of Confidential Information form must outline the specific information being released and to whom. It must be completed and dated before the parent’s signature is obtained. The signed form is only applicable to a one-time release of the specified information with the exception of staffing with an early head start agency (see above). Whenever possible, SoonerStart should provide the parent or guardian with a copy of their child’s SoonerStart record or any part of the record that is requested, for the parent or legal guardian to release as they choose.

Procedures for processing any request for confidential information are:

1. Check the database to make sure the child is in the local site’s service area. If the child is not in the service area, fax or email the request to the appropriate SoonerStart site.
2. Review the Request for Confidential Information to determine if the request is within the scope of records maintained in the SoonerStart record. ***HIPPA forms are not accepted because SoonerStart records are considered educational records.*** Notify the REIC who will follow up with the sending agency or program.

3. Make a copy of the Release request and place it in the correspondence section of the child's record.
4. Fax the Release and the requested record information to the REIC.
5. Sign the Confidential Record located in the child's record. Enter "Received Record Request and Faxed to REIC for processing" and the date.