


**JEFFERSON COUNTY  
DEPARTMENT OF HUMAN SERVICES  
POLICY**

<b>DEPARTMENT OF HUMAN SERVICES</b>	
<b>POLICY TITLE</b> CUSTOMER CONFIDENTIALITY AND INFORMATION SHARING AMONG HUMAN SERVICES EMPLOYEES	<b>POLICY CUSTODIAN</b> Human Services Director
<b>POLICY NO.</b> HS. 8.00	<b>EFFECTIVE DATE</b> June 1, 2006
	<b>DEPARTMENT DIRECTOR APPROVAL</b>  

**PURPOSE**

This policy is intended to clarify the circumstances under which employees may disclose information regarding their customers to other employees of the Jefferson County Department of Human Services. It is intended to dispel myths, alleviate employee fears of improper sharing, minimize fraud, increase safety for customers and Human Services staff, and above all encourage information sharing among employees according to the policy so as to improve services for families served by the employees of the Jefferson County Department of Human Services. It will outline who employees may share with, what they may share, and why they may share information.

**DEFINITIONS**

*Customer* – An applicant, recipient, or former or potential recipient of any services provided by Human services employees.

*Department employees* – Anyone employed by the Jefferson County Department of Human Services or in a volunteer or internship relationship with the Jefferson County Department of Human Services.

*Public Assistance and Welfare Programs* – These programs include food stamps, Medicaid, Children Youth & Families (CYF), Adult Protective Services, Adult Financial, General Assistance, Temporary Assistance to Needy Families (TANF), the Child Care Assistance Program (CCAP), the Low Income Energy Assistance Program (LEAP), Veterans Assistance Programs and Single Entry Point.

*Work Force Programs* – These programs include Workforce Investment Act programs, Dislocated Workers and Youth Employment.

## **POLICIES**

### **1. Public assistance and welfare programs**

- a) All employees engaged in the administration of public assistance and welfare programs may disclose customer information to other employees also engaged in the administration of public assistance and welfare programs for that limited purpose.
- b) All employees engaged in the administration of public assistance and welfare programs may disclose and exchange customer information with employees of Child Support Enforcement.
- c) A customer's signature on an application, or a re-determination of eligibility, authorizes the employee to obtain personal information of the customer (including social security numbers and financial information) from financial institutions for the purposes of administration of public assistance or welfare programs.

### **2. Children Youth & Families Programs**

*Background: The State of Colorado recognizes that disclosure of certain information is sometimes in the best interest of the child (and families), and may result in less duplication of services and greater benefit to the community, or is necessary for the administration of legitimate government programs. This policy expresses the balance between privacy concerns and the need to share information to better deliver effective services to children and families or on behalf of the community. Therefore, for CYF, information may be shared with more individuals and organizations than defined in #1 above. In addition to #1(a) and (b) above, for children, youth and family programs:*

- a) CYF employees possessing information regarding any Child Welfare case (including "voluntary" cases or juvenile delinquency cases) may share this information on a need to know basis, for purposes of investigation and case management in the administration of their respective programs, with:
  1. Other department employees for the limited purpose of administration of public assistance and welfare (including programs such as Head Start, Workforce Development, Justice Services and Child Support Enforcement),
  2. the judicial department,
  3. schools (if the school requests, and for the purpose of the school carrying out its legal duties and responsibilities),
  4. Court Appointed Special Advocates (CASA), and
  5. any other agency involved in similar functions as the County Department (such as foster care providers, out-of-home placements, and prospective adoptive parents).
- b) *Adoption* records may be shared amongst department employees for the limited purpose of the administration of public assistance, but any records of relinquishment counseling are only open upon order of the court.
- c) *Juvenile delinquency* records such as court records, probation records, and law enforcement records may be disclosed to agencies with legal custody, child protection teams, schools, CASA and guardian ad litem (GALs) or pursuant to court order.

### **3. Child Support Enforcement (CSE)**

- a) *CSE is not considered a typical welfare program so information flow is more limited than stated in #1 above.* Certain CSE information (name, mailing and/or residential address, Social Security Number, place of employment, day care amount, income, health insurance information, and date of birth of custodial parties, non-custodial parents or children, and establishment or enforcement information



concerning the legal obligation for support) may be shared with employees who administer public assistance and welfare programs; and Workforce. However, it should be noted that CSE staff have access to certain specific databases and information contained therein, of which CSE staff are prohibited from disclosing to other department employees. CSE management is expected to educate CSE staff on specific database restrictions and CSE staff are expected to learn, understand and abide by those restrictions.

- b) Any CSE information sought to be shared between Head Start or Justice Services would require a signed release from the person who is the subject of the information.

4. Work Force Programs (WF)

- a) Information obtained from customers may be shared with other department employees in the performance of their public duties, including child support enforcement agency employees.

5. Substance (Drug and Alcohol) Abuse Information

*Background: Authority for regulation in the area of substance abuse is derived directly from federal regulation. The policy of the federal government is one that encourages the notion of treatment for addictions rather than punitive measures. As a result, any information about an individual that indicates the abuse of drugs or alcohol is confidential and may not be shared with anyone without a valid release or a court order.*

- a) Customers' records that detail any information related to substance abuse treatment by the customer may only be released if the customer gives consent, with the exception of the below:
  - 1. to doctors during medical emergencies,
  - 2. by court order, or
  - 3. if a department employee suspects or knows that a customer receiving substance abuse services or suspected of substance abuse is involved in a child abuse or neglect case, that employee may share substance abuse information about the customer with other employees connected with the child abuse or neglect investigation.
- b) *Referrals* for substance abuse treatment used to facilitate customers to engage in substance abuse treatment, which precede the initiation of treatment, are not considered confidential because the referral was made before the individual becomes a patient.

6. Medical Information Excluding Substance Abuse

*Background: Release of personal health information is governed through state regulations and by HIPAA, the federal Health Insurance Portability and Accountability Act. Certain entities within the County Department are considered covered entities and as such have specific federal requirements placed upon them. Employees working in these areas are expected to know these requirements.*

***However, the below statements apply to all department employees with respect to medical information excluding substance abuse.***

- a) Department employees involved in any stage of a customer's Medicaid eligibility may share that customer's personal health information (PHI) with other department employees if it is for the purpose of administration of the Medicaid program, including CSE employees.
- b) Federal law allows sharing of PHI when it is combined in a single or combined data system and expressly authorized by statute or regulation to be so combined; therefore any PHI may be shared amongst CBMS users, as long as it is for the purpose of administration of the Medicaid program.
- c) PHI may be shared with CYF employees who do not have CBMS access or Medicaid eligibility functions when there is a question whether a customer is involved in any way in a dependency and neglect action.
- d) *Mental Health* information may be shared among qualified professionals in the provision of mental health services to the individual. Caseworkers may be considered qualified professionals and may



share information with outside entities (such as Jefferson Center for Mental Health, placement agencies, out-of-home placements, etc.) engaged in the provision of services for customers.

7. Customer or Employee Fraud - When a customer or department employee is suspected of fraudulently obtaining public or medical assistance, information on location, employment, income, and property of such persons may be shared with the district attorney upon request from the county or state department, notwithstanding other laws pertaining to confidentiality.
8. Coordination with Other Policies - This policy should be read in conjunction with all other Jefferson County policies regarding confidential customer information at policy section 00.000.
9. Policy Not a Substitute – Specific programs have particular rules, regulations and statutes that apply. This policy is not meant to be a substitute for an employee’s thorough review of relevant rules, regulations and statutes that apply to specific program areas.
10. When Release Required – If a situation is not covered by this or any other confidentiality policy regarding sharing of customer information with other department employees in policy section 00.000, then a release from the customer is required to share that customer’s information.
11. When in Doubt – If an employee is ever in a position to question whether a policy applies, always seek legal advice through the County Attorney’s Office.

## **CONTACT**

Division Director or Program Manager

## **REFERENCE**

For Public Assistance, *see* C.R.S. Sec. 26-1-114.

For Children, Youth & Families, *see* C.R.S. 19-1-302, 19-1-303, and 19-1-307, as well as 12 CCR 2509-1, Volume 7 at Sec. 7.

For dependency and neglect, *see* C.R.S. 19-1-307.

For adoption issues, *see* 12 CCR 2509-6, § 7.500.354, 12 CCR 2509-8, § 7.710.72, and 12 CCR 2509-4, § 7.308.

For Child Support Enforcement, *see* 9 CCR 2504-1, Sec. 6.210, C.R.S. 26-13-106, 10 CCR 2506-1, 4.4010.53(E).

For Work Force, *see* C.R.S. 8-72-107, 8-72-109(8) & (9).

For drug abuse *see* 42 U.S.C.A. § 290ee-2, 42 CFR 2.1.

For alcohol abuse *see* 42 U.S.C.A. § 290dd-3, 42 CFR 2.2.

For HIPAA, *see* 45 CFR 164.512.

For medical assistance, *see* 10 CCR 2505-10, Sec. 8.100.8.

For mental health information, *see* C.R.S. 27-10-120.

For fraud, *see* C.R.S. 26-1-112(2)(a).

For sharing with schools, *see* 19-1-303(2) and (4.3).

