

L-25 Addendum: Guidance for Public Health Nurses re: Child Welfare Disclosures

POLICY: See L-25 Use and Disclosure Limits Policy, at www.cosdcompliance.org.

DEFINITIONS: See HHS A Policy L-30.

PROCEDURES: HHS A Programs, such as Public Health, may use Protected Health Information (PHI) for a variety of purposes. Many of these purposes require the individual's written authorization (see Policy and Procedure L-09 Authorizations), while other types of sharing are allowed without an individual's consent (see Policy and Procedure L-25 Use and Disclosure). Guidance specific to sharing with Child Welfare Services is below.

1. The receipt of a referral from Child Welfare Services (CWS) by a Public Health Nurse (PHN) does not by itself allow the PHN to provide information to the Protective Services Worker (PSW). More information is needed, as below.
2. PHN as Reporting Party:
 - a. If the PHN made a referral to the CWS hotline and a PSW reaches out to the PHN as the reporting party, then the PHN has broad authority to share whatever s/he thinks is pertinent for the PSW to know. No written authorization (ROI) from the client is needed.
 - b. Regardless of CWS case status, if at any time the PHN believes an incident of abuse or neglect should be shared with CWS, then the PHN should call the CWS hotline or the assigned PSW.
3. If the PHN is not the Reporting Party and the PSW reaches out to the PHN regarding:
 - a. An active CWS investigation, then the PHN may share information related to abuse or neglect but cannot share routine information, such as PHN services participation, unless the client has signed an ROI.
 - b. A voluntary or family maintenance case to see whether the client is participating in PH services, then an ROI is needed because the parent is still the legal guardian of the child.
 - c. A family reunification or permanency planning case, then the child is under the court's jurisdiction and thus the PHN may share freely with the PSW everything related to the child but would need an ROI to share information related to mom.
4. If a PHN client (mom) requests that PHNs write a letter for CWS or court, PHNs should provide a brief statement that includes PHN services participation dates and whether the client has adhered to her PHN case plan. PHNs should not include subjective comments as to the client's parenting abilities. The letter must be approved by PHN management before provision to client.
 - a. Otherwise, PHN clients may receive a copy of their chart (see Policy and Procedure L-01 Client Access to Records), keeping in mind limitations based on the client's legal authority to the child's record (see Policy L-27 Legal Authority).

QUESTIONS/INFORMATION: HHS A Privacy Officer at 619-338-2808